

## Radio spectrum policy

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## Legislation

The primary mechanism for managing radio transmissions is the [Radiocommunications Act 1989](#), and the [Radiocommunications Regulations 2001](#). These provisions are summarised below.

Other relevant legislation is the [Broadcasting Act 1989](#) which deals with issues generally related to the content of broadcasting services, the [Telecommunications Act 1987](#) and the [Telecommunications Act 2001](#) which deal with matters relating to telecommunications services, and the [Commerce Act 1986](#) which deals with market and competition matters.

## Administrative Radio Licensing

Under administrative licensing, frequency bands are planned for various services in accordance with international practices, technical standards, and Government policy directives. Persons wishing to utilise frequencies in accordance with these plans apply for a Radio Licence for which an annual fee is often charged. This fee covers the costs of interference management, international co-ordination, technical standards, enforcement and compliance.

## Spectrum Rights

Until 1989 administrative radio licensing was the sole means for managing access to the spectrum resource. The Radiocommunications Act 1989, however, introduced a new framework based on tradable long-term leases for periods up to 20 years. The Act provides for the Crown to transfer a frequency band to the new framework by the creation of a Management Right over the range of frequencies concerned (e.g. 88MHz to 108MHz). The Crown may retain the Management Right and grant Spectrum Licences to frequencies within the band, as is the case with most radio and television broadcasting bands, or dispose of the Management Right to another person who may then grant Spectrum Licences. Except for frequencies reserved to meet specific public policy objectives it is current practice to allocate Management Rights, and Spectrum Licences under a Crown-retained Management Right, by way of public [spectrum auctions](#) or tenders.

## Radio Frequency Register

A public register, the [Register of Radio Frequencies](#), records transactions such as creations, transfers, cancellations, mortgages, and caveats, in regard to Management Rights and Spectrum Licences. Radio Licences are also recorded in the Register. The Register also performs a vital role in the co-ordination and engineering of new licences to minimize the potential for radio interference to existing services.

## Broadcasting

- The role of the Ministry of Economic Development in relation to broadcasting includes:  
Spectrum allocation and licensing functions, in conjunction with the roles of the Ministry for Culture and Heritage and Te Puni Kōwhiri as noted below;
- Broadcasting competition issues;
- Technical planning of broadcasting bands;
- Regulatory and economic impacts of broadcasting technology;
- The Government's international treaty obligations under GATS and ANZCERTA in relation to trade in audiovisual services.

# Public Policy Spectrum Reservations

## Public Safety and Security

International treaty provisions reserve some frequency bands on a global basis for specific services such as aircraft and ship communications and navigation. Other bands and frequencies are reserved to meet national interests such as police, fire, ambulance, defence and conservation. Actual provision and operation of services is the responsibility of the relevant agencies.

## Māori Language and Culture

[Te Puni Kōwhiri \(Ministry of Māori Development\)](#) is responsible for developing policy on reserving radio and television broadcasting frequencies for the promotion of Māori language and culture, and for determining successful applicants, and monitoring compliance, for particular reserved frequencies. However, the Ministry of Economic Development remains responsible for issuing licences for reserved frequencies.

## Non-Commercial Broadcasting

[The Ministry for Culture and Heritage](#) is responsible for developing policy on reserving radio and television broadcasting frequencies for other purposes, such as Access Radio. It is also responsible for applying the Government's non-commercial broadcasting framework to decide between competing applicants for reserved frequencies. Again, the Ministry of Economic Development remains responsible for issuing licences for reserved frequencies.

## General User Licences

Under the provisions of [General User Licences](#), various uses of radio spectrum are exempt from individual licensing and licence fees. These licences typically apply to radio services such as cordless telephones, garage door openers, remote car door locking, maritime VHF radio and CB radio. In many instances the nature of the technologies employed, conditions of operation, or the short operating ranges involved, limits the potential for interference between different applications sharing the same spectrum. General User Licence bands are commonly known in other countries as "spectrum public parks", "unlicensed bands", or "class licence bands".

## Review of Radio spectrum Policy in New Zealand (Completed 2005)

This [review of policy](#) was completed in 2005 but remains a useful overview of policies and topics that are being addressed by the Ministry. The review document was published in April 2005.