

RADIO SPECTRUM MANAGEMENT



FOR USERS OF THE RADIO SPECTRUM / FOR SUPPLIERS OF ELECTRONIC, ELECTRICAL & RADIO PRODUCTS

Radio Spectrum Management Compliance Guide

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.



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Introduction

WHAT DOES RADIO SPECTRUM MANAGEMENT DO?

Radio Spectrum Management (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
- › providing advice on radio spectrum matters, including legislation, licensing and licence compliance
- › running radio spectrum auctions
- › planning future use of the radio spectrum
- › representing New Zealand's position in the international coordination of radio spectrum use
- › overseeing a product compliance framework.

As part of the Ministry of Business, Innovation and Employment (MBIE) we facilitate access to the radio spectrum resource to support efficient, reliable and responsive radiocommunications and broadcast services.

WHAT IS THIS GUIDE?

RSM has produced this Compliance Guide to give radio spectrum users and suppliers of electrical and radio products 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.

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

HANDY HINTS

The information in this Compliance Guide is current as at September 2020 and is intended to be used in conjunction 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 under authority of that legislation.

Background to RSM's Compliance Programme

MINIMISING INTERFERENCE

The technology to transmit and receive radio waves for 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 number of radio spectrum users to co-exist within the finite spectrum, a 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.

RSM supports the MBIE's objective to 'Grow New Zealand for all' by making sure the spectrum is clean and by maximising its use. Ensuring that licensing and product compliance requirements are met is crucial to achieving this objective.

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.

RSM'S COMPLIANCE STRATEGY

To support our compliance strategy, RSM has established a dedicated investigations 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, China and accredited testing bodies
- › managing audits of manufacturers, importers, and retailers of electrical, electronic and radio products to ensure that they are complying with standards, labelling, and supplier 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 the RCM compliance mark or New Zealand radio label (R-NZ).

HANDY HINTS

Who is a supplier?

- › a **supplier** means a person in New Zealand, or agent for a person outside of New Zealand, who installs, sells, distributes, manufactures, or imports a product.

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.

Note: Conformity and compliance requirements 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 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:

- › prior to supplying the product, the supplier must ensure that the product complies with an applicable standard and:
 - (a) may label the product (other than a radio transmitter) with the RCM compliance label in which case the supplier must:
 - (i) provide a product description; and
 - (ii) make a declaration of conformity.
 - (b) must, if the product is a radio transmitter:
 - (i) provide a product description;
 - (ii) make a declaration of conformity; and
 - (iii) label the product with the RCM compliance label.

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

- › prior to supplying the product, the supplier must ensure that the product complies with an applicable standard and must:
 - (i) obtain a test report, or other reasonable documented evidence confirming compliance with an applicable standard;
 - ii) provide a product description;
 - (iii) make a declaration of conformity; and
 - (iv) label the product with the RCM compliance label.



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:

- › prior to supplying the product, the supplier must ensure that the product complies with an applicable standard and must:
 - (i) obtain a test report from an accredited testing body, confirming compliance with an applicable standard;
 - (ii) provide a product description;
 - (iii) make a declaration of conformity; and
 - (iv) label the product with the RCM compliance label.

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 \(IANZ\)](#)*.

Exemptions

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

- › has a power consumption not exceeding six nanowatts
- › is a spare part
- › is a motor vehicle intended for use on public roads
- › is military equipment or weapons systems of the New Zealand Defence Force or other cooperating country.

HANDY HINTS

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:

- › supplier must ensure that the product complies with an applicable standard
- › supplier must provide a product description
- › supplier must make a declaration of conformity
- › supplier must label the product with **R-NZ**.

Level A2 – Medium risk products such as cordless telephones Citizen Band radios, Emergency Position Indicating Radio Beacons, paging systems, and mobile radios.. The compliance requirements are:

- › supplier must obtain a test report, or other reasonable documented evidence confirming compliance with an applicable standard;
- › supplier must provide a product description
- › supplier must make a declaration of conformity
- › supplier must label the product with **R-NZ**.

Exemptions

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

- › is a 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*.

Licence to Supply Radio Transmitters

With a Licence to Supply Radio Transmitters you can import and/or supply radio transmitters by way of sale, exchange, lease or hire-purchase.

Amateur radio operators or suppliers wanting to import unrestricted two-way radios must:

1. Hold a Licence to Supply Radio Transmitters.
2. Apply for an endorsement to import and supply unrestricted two-way radios to the amateur market.

Application for a Licence to Supply Radio Equipment can be made online on the *RSM website*.

Fees

\$0.00 — There is no charge for this licence.

HANDY HINT

Wanting to purchase a radio transmitter? First check on the *RSM website* that your supplier holds a Licence to Supply Radio Transmitters.

THE 7 STEPS TO COMPLIANCE

Step 1: Ensure products meet an appropriate standard

Lists of applicable standards are prescribed in the:

- › [Radiocommunications \(EMC Standards\) Notice](#)
- › [Radiocommunications \(Radio Standards\) Notice](#)

Copies of applicable standards can be obtained from [Standards New Zealand](#) or [Standards Australia](#). Suppliers should consult a testing laboratory for technical advice regarding applicable standards.

The supplier must determine which level of conformity from the [Radiocommunications \(Compliance\) Notice](#) applies to each product and conduct compliance actions accordingly. Advice regarding obligations imposed by the Notice should be sought from the supplier's legal advisor.

HANDY HINT

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

Step 2: Prepare a product description

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

- › clear photograph
- › 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.

Step 3: Prove compliance through testing

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

A test report or manufacturer's specification may be sufficient evidence to support a declaration that the product meets a relevant standard recognised by RSM. For level of conformity 3 products, a test report from an accredited laboratory (which may be in New Zealand or overseas) is required. The test report must be in English. The supplier does not have to hold the original of the test report. A clear copy of the original is acceptable.

Step 4: Make a Supplier's Declaration of Conformity (SDoC)

The SDoC is the document signed by a New Zealand supplier or a New Zealand agent of an overseas manufacturer or supplier to certify that a product meets applicable standards.

The RSM website provides a convenient [template for the SDoC](#) to capture the information required by the Compliance Notice.

- › each different product or significant variation of a 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 the compliance
- › the signed SDoC must be held by the supplier or agent and 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.

To record variations the compliance records must include a Variation Statement that lists:

- › identification of the variants.
- › a description of the changes made to the basic model, and
- › the rationale for marketing the the device and variants under a single SDoC.

Step 5: Create a compliance folder

Compliance folders are a collection of documents (which may be electronic files) 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 (mandatory for levels 2, 3, A2, and A3 products).

Step 6: Apply for a Supplier Number (SN)

SN is a registration number obtained from the Electrical Regulatory Authorities Council (ERAC) free of charge. It authorises the holder to use the RCM compliance mark.

Step 7: Label the product

A label indicates that the product complies with the applicable standards.

Where a product is in a class to which level of conformity 1, 2 and 3 applies, the compliance label consists of:

- › the RCM



together with its ERAC supplier number

- › Where a product is a radio transmitter in a class to which level of conformity A1 or A2 applies, the product must be labelled with “**R-NZ**” and not the RCM.
- › The label must be legibly and durably applied on the external surface of the product.

FAQs about labelling

Where can I get a copy of the RCM?

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 and
- › the documentation (including any warranty or guarantee certificates) that accompanies the device when it is supplied to the user or
- › by showing it on an integral display.



Can I use the RCM to advertise my products?

RSM encourages manufacturers, importers, and retailers to use the RCM on advertisements, packaging, displays, warranty forms, instruction leaflets and websites to show that the products meet the requirements of the New Zealand compliance regime. Only Supplier Number holders registered with ERAC (see Step 6) may use the RCM for their products. Using the RCM 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 Investigator will contact you to arrange a time if a physical visit is proposed. Alternatively, the notice may ask that compliance documentation be provided by email. Notification may not be given before product labelling audits.

During the audit the Radio Investigator 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 which may include issuing an infringement notice or prosecution. See the Enforcement section of this Compliance Guide for more information.

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 and general user licences. The remainder of radiocommunications and broadcasting services are typically licensed under the spectrum rights framework.

HANDY HINT

All radio transmitters in New Zealand must either be licensed by a radio licence, spectrum licence, general user licence or have an exemption from licensing.

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 and any fees required have been paid.

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, schedules 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 the [Register of Radio Frequencies \(the RRF\)](#).

HANDY HINTS

The Register is the electronic database of licensed frequencies used in New Zealand. Approved radio engineers and certifiers can create and certify licences in real time to update the Register. Licensees are responsible for keeping their records correct in the Register. Should you no longer need your licence, you can cancel it online in [the RRF](#).



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 (RRF) and promoting voluntary compliance. Accurate information in the RRF enables well engineered licences minimising the likelihood of interference and the costs associated with corrective 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:

- › existing radio or spectrum licence holders, including users of equipment covered by general user licences
- › radio or spectrum licence holders of recently cancelled 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 RRF 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
- › some 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. A greater proportion 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 Investigator 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 Investigator 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 Investigator 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 Investigator 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 height and 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 Investigations Officer evaluates evidence of non-compliance recorded 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 Investigations Officer will also consider what action(s) may be necessary to correct the noncompliance.

The responsible party will be advised in writing of the action required to correct the noncompliance, either by means of the notice, or an associated letter.

HANDY HINT

When setting the date for correcting a problem the Investigations 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 Investigations 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 Investigations 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.

Details of the infringement number and payee details must be included for any payment. This is particularly important if using online payment.

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 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 actions that are prescribed as infringement offences are listed in Regulation 37 of the Radiocommunications Regulations 2001. Infringement fees applying to those offences are specified in Part 2 of Schedule 5 of the Regulations.

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, manufacture or importation 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.

GLOSSARY

Acronym	
<u>ACMA</u>	Australian Communications and Media Authority
EMC	Electromagnetic Compatibility
<u>ERAC</u>	Electrical Regulatory Authorities Council
GUL	General Users Licence
<u>IANZ</u>	International Accreditation New Zealand
<u>MBIE</u>	Ministry of Business, Innovation and Employment
<u>RCM</u>	Regulatory Compliance Mark
RFI	Radio Frequency Interference
<u>R-NZ</u>	New Zealand Radio Compliance Label
<u>RSM</u>	Radio Spectrum Management
SDoC	Supplier's Declaration of Conformity
SN	Supplier Number
SRD	Short Range Device

ADDITIONAL RESOURCES

In this guide 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	Free online at www.gazette.govt.nz
Radio Frequency Interference (RFI) Investigation and Resolution Guide	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
Australian Communications and Media Authority (ACMA) website for information about Australian requirements	www.acma.gov.au
Electrical Safety	www.energysafety.govt.nz
Register of Radio Frequencies	www.rsm.govt.nz/the-register

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

