COMMUNICATIONS AND BROADCASTING

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Communications and Broadcasting Act 2018

TABLE OF AMENDMENTS

The Communications and Broadcasting Act 2018 No 21 was certified and commenced on 10 May 2018 (GN No 339/2018; Gaz 68/2018).

Amending Legislation	Certified	Date of Commencement
Revised Written Laws Act 2021 No 7	1 June 2021	1 June 2021
Vessel Registration Act 2024 No 3	28 January 2025	s 86(1): 28 January 2025
Constitution (Amendment) (No 2) Act 2026 No 21	12 May 2026	s 5: 12 May 2026

[The next page is 750,601]

An Act to repeal the *Telecommunications and Regulatory Affairs Act 2017*, to establish the Naoero Communications Authority and to provide for its powers and functions and for related purposes.

Enacted by the Parliament of Naoero as follows:

[cl am Act 21 of 2026 s 5, opn 12 May 2026]

PART 1 — PRELIMINARY

1 Short title

This Act may be cited as the *Communications and Broadcasting Act 2018*.

2 Commencement

This Act commences upon certification by the Speaker and came into effect on 10 May 2018.

3 Objectives

The objectives of this Act are to:

(a) separate the role, functions and powers of the Department of Information, Communication, Technology and Media and the Naoero Communications Authority;
(b) establish the Naoero Communications Authority;
(c) establish the powers and functions of the Authority;
(d) facilitate and promote the development of the Telecommunications sector in order to promote social and economic development;
(e) promote accessibility of quality telecommunication services to all Naoero regardless of location;
(f) promote efficient, competitive and reliable communication services;
(g) promote fair and sustainable competitive environment for all service providers;
(h) provide a mechanism for consideration of complaints for the provision of telecommunication services;
(i) encourage sustainable foreign and domestic investments in the Telecommunications sector;
(j) establish a licencing regime which is fair and sustainable for all service providers; and
(k) monitor retail rates and charges for the provision of telecommunication services.

[s 3 am Act 21 of 2026 s 5, opn 12 May 2026]

4 Definitions

(1) In this Act:

'apparatus' means any object integral for the purpose of effecting radio communications but does not include a satellite;

'Authority' means the Naoero Communications Authority established under Section 5;

[def am Act 21 of 2026 s 5, opn 12 May 2026]

'broadcasting' means a transmission service in, which transmissions whether sound transmission, television transmission or other transmission, are intended for direct reception by the public;

'cable' means optic fibre, copper, or other conducting cables;

'carry' includes transmit, emit, switch and receive;

'communications' means the carriage of communications by means of guided or unguided electromagnetic energy or both:

(a) whether between persons and persons, things and things or persons and things;
(b) whether in the form of sounds, signs, signals, data, text, visual images, animated or otherwise or any other form, or any combination of them; and
(c) whether or not the communication has been subjected to rearrangement, computation or other process by any means in the course of its transmission, emission or reception;

'communication network' means any equipment used to provide telecommunications services;

'communication services' means the provision of communications;

'connection' includes a link, and connection otherwise than by means of physical contact;

'content' means text, sound, still picture, moving picture or other audiovisual representation, tactile representation or any combination of the preceding which is capable of being created, manipulated, stored, retrieved or communicated electronically, however organised, formatted or programmed for delivery to end users;

'contents application service' means:

(a) a broadcasting service, including a service that delivers content that enhances or provides information about content delivered by a broadcasting service;
(b) a service for delivering subscription content;
(c) an on-line information service, for example, a dial-up information service or audio-text service;
(d) an on-line entertainment service, for example, a video-on-demand service or an interactive computer game service;
(e) any other on-line service, for example, an education service provided by the Government; or
(f) a service or a class of service of a kind specified in a declaration made by the Cabinet as falling within this definition, but which shall not include an internet service;

'content standards' mean content standards made by the Minister in accordance with Section 93;

'court' means the District or Supreme Court as the circumstances may deem fit;

'Department' means the Department of Information, Communications, Technology and Media;

'document' includes information which is wholly or partially electronically stored, transmitted and reproduced;

'equipment' includes any equipment capable of effecting telecommunications, whether by transmission or reception or both and, also includes lines, guide wires, stays, towers, poles, cables, switches, and any other thing used for the provision of a telecommunications service, but does not include any apparatus;

'facility' means any line, equipment, tower, mast, dish, antenna, tunnel, duct, hole, pit, pole or other structure or thing used, or intended for use, in connection with a telecommunications system, or any part of the infrastructure of a telecommunications system;

'foreign aircraft' means an aircraft other than an aircraft which is registered in Naoero in accordance with the *Civil Aviation Act 2011*;

[def am Act 21 of 2026 s 5, opn 12 May 2026]

'foreign vessel' has the meaning given under the *Vessels Registration Act 2024*;

[def subst Act 3 of 2025 s 86(1), opn 28 Jan 2025]

'Government' means the Government of Naoero;

[def am Act 21 of 2026 s 5, opn 12 May 2026]

'intercept' in relation to a communication passing over a system, means listening to or recording the communication, by any means, in its passage over the system without the knowledge of the person making the communication, but does not include the reception of a broadcasting transmission;

'interconnection' means the linking of telecommunications networks in order to allow the subscribers of one of those network providers to communicate with subscribers of the other network provider;

'interference' in relation to telecommunications, means interference to, or with, telecommunications that is attributable, whether wholly or partly and whether directly or indirectly, to an emission of electromagnetic energy by any equipment;

'licence' means a licence issued under this Act;

'licenced system' means a system licenced under Section 34;

'line' means:

(a) a wire, cable, optical fibre, tube, conduit, waveguide or other physical medium used, or intended for use, as a continuous artificial guide for or in connection with carrying communications by means of guided electromagnetic energy;
(b) includes any pole, insulator, casing, fixing, tunnel or other material used or intended to be used for supporting, enclosing, surrounding, or protecting any such wire or conductor;
(c) also includes any part of any line; and
(d) does not include apparatus;

'Minister' means the Minister for Telecommunications;

'premises' includes residential premises;

'network' means any wire, radio, optical or other electromagnetic system for routing, switching or transmitting communication services;

'network provider' means the holder of network licence;

'numbers' means any identifying numbers that need to be allocated to enable telecommunications intended for a person to be received by that person, and includes, but is not limited to, telephone numbers and IP addresses;

'officer' in relation to the Department, includes the Chief Regulator;

'order' means a written order by the Chief Regulator under this Act;

'provide' in relation to a system or service, includes construct, operate and maintain;

'provider' means any network provider, service provider or holder of a spectrum licence;

'radio broadcasting' means the transmission of sound intended for direct reception by the general public;

'radio communications' means any transmission, emission, or reception of signs, signals, wiring, images, sounds, or intelligence of any nature by electromagnetic waves of frequencies between 9 kilohertz and 300 gigahertz, propagated in space without artificial guide;

'regulations' means regulations made under Section 114;

'rule' means a rule made by the Chief Regulator under this Act;

'satellite' means any object placed in geostationary orbit relative to the Earth for the reception and re-transmission of electro-magnetic energy, either with or without artificial guide, consisting of sounds and visual images;

'Secretary' means the Head of Department responsible for Communication services;

'service' means a communications service provided or to be provided, for use by the public;

'service provider' means a provider of a communication service to the public and holds a service provider licence;

'service provider licence' means a right to provide a communication service which does not require a spectrum licence;

'spectrum licence' means a right to use radiotelecommunications frequencies and includes a deemed spectrum licence;

'state of disaster' means a state of disaster declared under Section 26 of the *National Disaster Risk Management Act 2016*;

'subscriber' means an end-user who is for the time being connected to a communication service provided by a service provider;

'subscriber equipment' means equipment or a system of equipment which is used or intended for private use in telecommunication;

'system' means all or any part of the infrastructure or facilities of a service;

'telephone' includes landline, mobile, voice over internet protocol;

'television broadcasting' means the transmission of sound and visual images intended for direct reception by the general public;

'the public' means the people, or a part of the people of Naoero; and
[def am Act 21 of 2026 s 5, opn 12 May 2026]

'use' in relation to equipment and system, includes provide or connect.

(2) A reference to a system or service includes a reference to a part of that system or service.

(3) A reference to use of equipment includes a reference to the connection of the equipment to the system.

(4) An equipment may be connected to a system whether or not the equipment is comprised in or is in physical contact with any part of the system.

(5) Except where the context otherwise requires, references in this Act to the Republic, a foreign country, a place or any waters include references to the space including the atmosphere and outer space.

(6) Any determination as to the nature or classification, for the purposes of this Act, of any service, system, equipment or other thing connected with telecommunications shall be made by the Chief Regulator.

[The next page is 750,801]

PART 2 — COMMUNICATIONS AUTHORITY OF NAOERO

[Pt 2 am Act 21 of 2026 s 5, opn 12 May 2026]

5 Establishment of the Naoero Communications Authority

(1) The Naoero Communications Authority is established.

[subs (1) am Act 21 of 2026 s 5, opn 12 May 2026]

(2) The Authority is responsible to the Minister for Telecommunications.

(3) The Authority is a body corporate with perpetual succession and shall have a common seal.

(4) The Authority may:

(a) sue and be sued;

(b) enter into contracts and other legal obligations;

(c) may acquire, hold, manage and dispose of real or personal properties; and

(d) perform all powers, functions, duties and responsibilities of a corporation.

(5) The Authority shall be independent and impartial in the exercise of its powers and functions.

(6) The Authority shall perform its functions and exercise its powers under this Act in a manner that does not discriminate amongst service providers and, between subscribers and service providers.

[s 5 am Act 21 of 2026 s 5, opn 12 May 2026]

6 Members of the Authority

(1) The Authority shall consist of 3 members who are appointed by the Minister.

(2) The members appointed under subsection (1) shall consist of the following:

(a) the Chief Regulator, who is a Naoero citizen, to be appointed by the Cabinet on the recommendation of the Minister;

(b) a member to be appointed on the recommendation of the service providers; and

(c) a member to be appointed on the recommendation of the Secretary.

[subs (2) am Act 21 of 2026 s 5, opn 12 May 2026]

7 Registrar of Courts to recommend member for service providers

(1) In case of 2 or more service providers, who are unable to nominate a common person under Section 6(2)(b), the Registrar of Courts shall nominate and recommend to the Minister a person from a list of persons nominated by each of the service providers severally or jointly.

(2) The Registrar in making the nomination shall do so in accordance with the criteria provided for under Section 8.

8 Criteria for appointment of members of the Authority

(1) The Chief Regulator shall be a person who:

(a) is independent and is of good character;
(b) has knowledge of the communications industry; and
(c) has qualifications or experience in the communications industry and business.

(2) A person shall not be appointed under Section 6(2)(b) and (c) unless he or she meets the following criteria:
(a) is independent and of good character;
(b) is a graduate of a tertiary institute;
(c) has knowledge and experience in the communications industry, economics, accounting or law; or
(d) possesses technical knowledge of the communications industry; and
(e) is not disqualified under subsection (3).

(3) No person under subsections (1) and (2) shall be eligible to be appointed or remain as a member of the Authority if he or she:
(a) is an undischarged bankrupt or is insolvent in the Republic or elsewhere;
(b) holds an elected office in the Republic;
(c) has been convicted of an offence punishable by imprisonment for a term of 1 year or more;
(d) is unable to perform the functions, powers or duties as a consequence of any physical or mental incapacity; and
(e) has any conflict of interest in the business of the communications industry.

(4) For the purposes of subsection (3), a conflict of interest is deemed to have occurred if the Chief Regulator or a member takes:
(a) a direct or indirect equity or other financial interest in a service provider; or
(b) remuneration, a gift or other forms of financial or non-financial benefit from a service provider.

(5) For the purposes of subsections (3) and (4), remuneration or other benefits provided to a member by the Government for the provision of services under this Act shall not constitute a conflict of interest provided the remuneration or other benefits are paid out of budgeted public funds and are accounted for.

9 Removal of a member

A member appointed under Section 6 shall be removed as a member of the Authority where he or she:
(a) becomes disqualified under Section 8(3);
(b) contracts any services for personal gain at a special or discounted cost from service providers;
(c) commits a serious breach of the terms and conditions of appointment;
(d) fails to perform or discharge the functions, powers or duties under this Act; or
(e) takes direct or indirect interest or receives any form of remuneration from a service provider.

10 Remuneration of the members

The Minister in consultation with the Cabinet shall:

(a) fix the remuneration of the Chief Regulator; and
(b) fix the sitting allowance and other benefits for the other members of the Authority.

11 Functions of the Naoero Communications Authority

The functions of the Authority shall be to:

(a) implement and enforce the provisions of this Act and any other regulatory framework for the communications sector;
(b) grant, renew, suspend and revoke licences;
(c) monitor the use of communication services on any vessel or aircraft within the exclusive economic zone;
(d) act as the duly appointed representative of the Republic at the meetings of international bodies or authorities which have the purpose of designating international standards in the communications industry;
(e) in consultation with service providers, subscribers, members of the public and other stakeholders to monitor retail rates and charges for the provision of communication services;
(f) regulate interconnection between communication networks of different service providers;
(g) establish and manage a numbering plan and assign numbers to service providers;
(h) assist in the timely resolution of disputes between service providers;
(i) ensure the timely resolution of disputes between service providers and subscribers;
(j) determine competition matters in the communication industry in accordance with this Act;
(k) consult with relevant service providers, subscribers or stakeholders on any matters in which they have a legitimate interest or whose rights are affected;
(l) maintain all records of the Authority including the licences;
(m) recommend to the Minister to make such regulations or orders for the due administration of the work of the Authority;
(n) publish procedures and guidelines to assist in the implementation of this Act;
(o) implement any policy directions which are consistent with the intent and purpose of this Act and any other relevant laws; and
(p) advise the Secretary or Minister on matters connected with its functions, including the operation of this Act and of any other written law relating to its functions.

[s 11 am Act 21 of 2026 s 5, opn 12 May 2026]

12 Powers of the Authority

The Authority shall have the power to do all things that are necessary or convenient to be done, for or in connection with the performance of its functions, which shall include the power to:

(a) enforce this Act, regulations and policies for the communication sector;
(b) grant licences in accordance with this Act and the regulations;
(c) monitor and enforce compliance by service providers with the terms and conditions of their licences;

(d) vary, suspend or revoke licences in accordance with this Act and the regulations;
(e) prescribe procedures for the approval of any communication apparatus or equipment for attachment to communication networks;
(f) determine interconnection disputes between communication networks of different service providers in a fair and just manner;
(g) monitor and enforce a numbering plan and assign numbers;
(h) make orders for any matters that are contemplated by or necessary for giving full effect to the provisions of this Act and the regulations;
(i) institute proceedings in the District Court or Supreme Court to compel a person to comply with any Order or decision of the Authority;
(j) on its own initiative or upon receipt of a complaint by a person, investigate complaints against service providers and conduct any other investigations that it deems necessary to ensure compliance with this Act, regulations or an order or decision of the Authority;
(k) investigate and where necessary, recommend prosecution by the Director of Public Prosecutions against a person operating communication services or otherwise acting in contravention of this Act; and
(l) take any other action that is reasonably required to implement this Act, the regulations and performing or exercising such other functions, responsibilities, duties and powers that may be conferred on the Authority under any other written law.

13 Delegation of the powers and functions of the Authority

(1) The Minister may on the recommendation of the Authority in writing delegate with or without any conditions to the Chief Regulator any or all of the Authority's administrative or operational functions, duties or powers under this Act.

(2) The power to make any decision or order vested in the Authority under this Act shall not be delegated.

14 The Head of the Authority

The Chief Regulator shall be:
(a) the head of the Authority; and
(b) responsible for the administration and management of the Authority.

15 Staff of the Authority

(1) The Authority shall consist of the Chief Regulator and such other staff as may be necessary.

(2) The staff of the Authority shall be appointed by the Chief Regulator in consultation with the Secretary.

16 Code of conduct of the Authority

The members and the staff of the Authority shall be bound by the prescribed Code of Conduct of the Authority.

17 Finance of the Authority

The funds of the Authority shall consist of monies appropriated by the

Parliament and such funds shall be expended for the purposes of the performance of the functions and the exercise of powers under this Act.

18 Charges and fees

(1) The Authority may determine and impose such charges and fees as may be prescribed by regulations.

(2) Any charges and fees determined and levied under this Section shall:
(a) be assigned on a non-discriminatory and proportionate basis; and
(b) be notified in the Gazette.

(3) The charges and fees imposed and collected by the Authority shall be paid into the Treasury Fund.

(4) Any such charges and fees under this Act if remain unpaid constitute a debt to the Republic which may be recovered by the Authority by way of a civil proceeding.

19 Meetings of the Authority

(1) The Authority may provide its own procedures for its meetings.

(2) The meetings shall be held as and when necessary upon notice by the Chief Regulator.

(3) Where a member is unable to attend a meeting in person in the Republic, he or she may participate by video or audio link.

(4) The participation of the member under subsection (3) constitutes a meeting in accordance with this Act.

(5) The Authority may develop practice and procedures for:
(a) receiving complaints or information;
(b) hearing disputes; and
(c) undertake such other functions or powers consistent with this Act.

(6) For the purposes of a hearing and determination of a dispute, the Authority is not bound by the rules of evidence ordinarily applied by the courts.

20 Annual report and accounts

(1) The Authority shall prepare and publish an annual report of its activities during the preceding financial year containing:
(a) the financial and administrative performance of its functions and exercise of its powers including an assessment of its progress in achieving the objectives under Section 3;
(b) a review of licences granted, varied, suspended or revoked;
(c) a review of spectrum frequency usage, including spectrum licences issued;
(d) a review of numbers allocated and assigned;
(e) a review of its activities and progress in respect of services;
(f) a review of determinations or decisions made under this Act;
(g) a review of complaints, investigations and enforcement of decisions or Orders carried out; and
(h) such other relevant matters.

(2) The annual report of the Authority shall incorporate its audited accounts.

(3) The Authority shall forward a copy of its annual report to the Minister who shall table it in Parliament as soon as practicable after receiving the report.

(4) After the annual report is tabled in Parliament under subsection (3), the Authority shall publish the annual report on its website or by any other electronic form accessible to the public.

[The next page is 751,001]

PART 3 — DECISION MAKING PROCESS OF THE AUTHORITY

21 Consultation

(1) Prior to making any decisions under this Act, the Authority shall consult with such service providers, subscribers or other stakeholders as prescribed by regulations.

(2) The Authority shall comply with the rules of natural justice and make decisions based on the evidence and submissions made to it.

22 Decisions

(1) The Authority shall:
  (a) publish its decisions in writing; and
  (b) provide the reasons for the decision in law or fact or both.

(2) Before publishing the decision, the Authority shall:
  (a) provide a draft of the proposed decision to the relevant parties for a response; and
  (b) direct the relevant parties to provide any response within a specified time, which time may be extended at the discretion of the Authority.

(3) Upon expiry of the time under subsection (2) (b), the Authority may proceed to finalising and publishing the decision which may include any response received under subsection (2).

23 Restrictions on draft proposed decisions

(1) A draft proposed decision shall not be construed as a decision in law or in fact.

(2) A person has no right to seek a review or appeal a draft decision of the Authority including any right to institute any interlocutory proceeding restraining or forbidding the Authority from delivering or publishing its final decision.

(3) The court shall have no statutory or inherent jurisdiction to entertain any interlocutory application, review or appeal against a draft decision of the Authority.

24 Enforcement of the decision of the Authority

An order or decision made by the Authority shall be enforced by the District Court upon an application by the Authority or any other party.

[The next page is 751,201]

PART 4 — TARIFFS

25 Tariffs

For the purposes of this Part:

(a) ***'retail communication services'*** means communication services provided to retail subscribers but does not include wholesale access service or interconnection services provided to other service providers; and

(b) ***'tariff'*** means in relation to any retail communication services, the amount payable by a subscriber for that service including any discounts, promotions, rights, privileges or other benefits conferred on or made available to the subscribers as part of the subscription.

26 Compulsory notification of tariffs by service providers to the Authority

A service provider shall within 30 days of the coming into effect of this Act provide to the Authority in writing its current tariffs in respect of any matters prescribed by the regulations.

27 Tariffs to be provided every 6 months

A service provider shall notify the Authority in writing of its current tariffs at an interval of every 6 months.

28 Change of tariffs within 6 months

A service provider shall notify the Authority of any change of tariffs implemented or imposed within less than the 6 months of the preceding reporting period.

29 Chief Regulator may issue notice to provide tariffs

(1) Where a service provider fails to submit to the Authority the tariffs stipulated under this Part, the Chief Regulator shall by notice require the service provider to provide such tariffs within 7 days of the service of the notice.

(2) Where a service provider fails to comply with subsection (1), the service provider or the person who has the management and control of the service provider in case of an incorporated body shall appear before the Authority and show cause as to why the service provider should not be imposed a fixed penalty of $10,000.

30 Publication of tariffs

(1) A service provider shall publish the tariffs of its communication services on its website or in any other written or electronic form accessible to the public.

(2) The Authority shall maintain a manual and electronic register of tariffs of each of the service providers provided under this Part.

31 Complaints in relation to tariffs

(1) A person may file a written complaint to the Authority in relation to the tariffs implemented or imposed by a service provider.

(2) Where a complaint is filed under subsection (1), the Chief Regulator shall:
   (a) provide a copy of the complaint to the respective service provider with directions to respond; and
   (b) consider the complaint and any response received from the service provider in accordance with this Act.

(3) Where the Chief Regulator considers that the complaint has merit, he or she shall refer the complaint to the Authority for its consideration.

32 Authority may fix tariffs

(1) The Authority if it deems it necessary to do so may in consultation with the Cabinet, establish maximum tariffs for the provision and use of communication services 2 years after the coming into effect of this Act.

(2) The procedure for establishing maximum tariffs under subsection (1) shall be by regulations made by the Cabinet on the recommendation of the Authority.

33 Service providers to comply with tariffs

(1) A service provider shall not promote, offer or provide communication services in excess of the tariffs notified or fixed under this Part.

(2) A service provider who contravenes subsection (1), commits an offence and upon conviction is liable to a fine not exceeding $20,000.

[The next page is 751,401]

34 Licenced systems

(1) A person shall not except in accordance with an individual licence or class licence granted under this Act:
  (a) provide communication services to the public for direct or indirect financial or personal gain;
  (b) utilise spectrum; or
  (c) own or operate a communication network to provide communication services to the public for any direct or indirect financial or personal gain.

(2) A person who contravenes subsection (1), commits an offence and upon conviction is liable to a fine not exceeding $10,000 or to a term of imprisonment not exceeding 2 years or to both.

35 Application for individual or class licences

(1) An application for a licence shall be made to the Authority by a person:
  (a) in the prescribed form;
  (b) upon payment of the prescribed fees; and
  (c) specify whether the application is for an individual or class licence.

(2) In the case of an individual licence, the applicant shall specify whether the application is for a:
  (a) spectrum licence;
  (b) service provider licence; or
  (c) network provider licence.

(3) In considering an application:
  (a) the Authority may require the applicant to provide further information for the determination of the application; and
  (b) unless such information is provided within the prescribed time, the Authority may proceed to deliberate on the application without taking into account such information.

(4) A licence granted by the Authority shall be signed by the Chief Regulator under the seal of the Authority.

(5) The Authority shall make available copies of all licences for inspection by a person during business hours upon payment of the prescribed fee.

36 Licence conditions

(1) A licence granted under this Act:
  (a) shall be subject to standard licence conditions; and
  (b) may be subject to any special conditions.

(2) No licence granted under this Act shall have any effect unless the prescribed annual licence fee has been paid.

37 Special licence conditions for network providers

(1) The Authority may determine and impose special licence conditions where

the Authority is satisfied that the standard licence conditions cannot adequately provide regulatory controls that the Authority considers necessary to achieve:

(a) the objectives of this Act;
(b) a policy of the Government; or
(c) a direction given by the Cabinet or Minister.

(2) The terms and conditions of licences granted under this Act to service providers that provide the same communication services or operate the same communication network shall not unfairly discriminate between those service providers.

38 Criteria for issuing licences

In considering whether to grant an application for a licence, the Authority shall take into account the following:

(a) the experience of the applicant in the provision of the communication services and the nature of the licence applied for;
(b) the financial viability and technical abilities of the applicant;
(c) the extent to which granting the licence will impact upon existing infrastructure investment and incentives for future investments;
(d) the extent to which the applicant will further the objectives and policies for communication services;
(e) existing demand on any equipment or spectrum the applicant wishes to use;
(f) the public interest in achieving maximum benefit from the spectrum; and
(g) any agreement between the Republic and any other country or countries that makes provision for or in relation to communication services.

39 Variation, suspension and revocation of licences

(1) The Authority may by an order vary, suspend or revoke a licence if:
  (a) the variation, suspension or revocation has been requested or agreed to by the service provider;
  (b) a service provider is in breach of a material condition of the licence, this Act or regulations or a decision or order made by the Authority;
  (c) changes to international treaties, commitments, recommendations, standards or the laws of the Republic require a variation or revocation to give effect to such changes;
  (d) a service provider becomes bankrupt, insolvent, has a receiver appointed or is liquidated;
  (e) a service provider has not for a continuous period of 1 year provided the service for which it obtained a licence; or
  (f) a service provider has failed to pay any licence fee within 60 days of the date on which it fell due for payment and the service provider has been given 30 days' notice of such non-payment.

(2) Before varying, suspending or revoking a licence under this Section, the Chief Regulator shall inform the service provider by a notice in writing that the Authority is considering the relevant action and may consider any representations made by the service provider under subsection (3) before making a decision.

(3) The notice under subsection (2) shall:
  (a) give the service provider 28 days from the service of the notice to make representations on the relevant actions;

(b) advise the service provider, whether the Chief Regulator intends to invite submissions from other interested parties or the public, before taking the relevant action;
(c) give an opportunity to the service provider to respond to any submissions made under subparagraph (b) within 14 days prior to the making of any draft decision; and
(d) by order or direction provide the procedures which the Authority may use in deliberating on any variation, suspension or revocation of a licence.

(4) The Authority shall provide a draft written decision to the service provider giving reasons of its decision or order to vary, suspend or revoke the licence, with the direction to make any response on the draft decision within a prescribed timeframe.

(5) After receiving the response under subsection (4), the Authority shall make its decision in writing and provide reasons for such decision.

(6) Where the Authority varies, suspends or revokes a licence under this Section, the Authority shall provide the service provider with reasonable time to comply with the variation, suspension or revocation.

(7) Where the Authority suspends a licence, the Authority shall take into account the continuity of service to the subscribers including any terms and conditions which the Authority deems fit.

(8) The Authority may in its decision or order, provide such directions as necessary to comply with the decision or order.

40 Period of licence

(1) The period of an individual licence, extension or renewal shall be for 15 years unless a person applies for a licence for a shorter duration.

(2) An applicant shall at the time of the application specifically state the duration of the licence applied for.

(3) A service provider shall pay licence fees as prescribed by the Authority.

41 Renewal of an existing licence

(1) A service provider who intends to renew or extend an existing licence shall notify and apply to the Authority at least 60 days prior to the expiry of the licence for extension or renewal of the licence.

(2) The Authority shall renew the licence unless the following circumstances precludes the Authority from granting a renewal:
(a) breach of a material condition of the licence;
(b) persistent contravention of this Act or regulations;
(c) persistent failure to comply with orders or decisions of the Authority; or
(d) persistent failure to comply with any directions given by the Chief Regulator or authorised officers.

(3) The Authority in granting the renewal of licence shall grant the licence in the terms and conditions as close as possible to the existing licence taking into consideration:
(a) changes to any international treaty or obligations to which the Republic is a party;

(b) any international commitment or standards of communication services applicable to the Republic;
(c) changes made to the laws of the Republic from the time of the granting of the existing licence; and
(d) the legislative requirement for conformity with written laws.

(4) In granting a renewal of the licence the Authority shall provide a decision in writing and the reasons where the terms and conditions of an existing licence are varied.

(5) Where the Authority may consider declining an application to renew an existing licence for any further duration, the Chief Regulator shall:
(a) inform the service provider by a notice in writing of the Authority's intention to decline an application for renewal; and
(b) require the service provider to make representation within a specified period on any 1 or more issues on which the Authority may be considering declining an application for renewal.

(6) Where the Authority declines an application for a renewal of a licence or renews a licence varying the terms and conditions, the Authority shall take into account continuity of the service to the subscribers.

[The next page is 751,601]

42 Spectrum management functions

(1) The Authority is responsible for the orderly and efficient management, allocation and assignment of frequencies in the spectrum.

(2) The Authority shall:
- (a) prepare and publish a national spectrum plan;
- (b) grant spectrum licences in accordance with Part 5;
- (c) advise the Minister on matters relating to the use or management of the spectrum;
- (d) where necessary, conduct public inquiries for the management of the spectrum;
- (e) ensure that the use of the spectrum is consistent with any applicable international treaties, conventions, protocols, commitments and standards;
- (f) intervene and decide where interference occurs and resolve interference disputes, where disputes are not resolved by the parties in conflict;
- (g) make advisory guidelines or rules relating to the use of spectrum;
- (h) make provision for spectrum fees, including fees prescribed by regulations under Section 114;
- (i) determine, allocate and assign frequencies, frequency bands, or any other matters relating to the transmission of radio communications whether by satellite, terrestrial or other transmissions; and
- (j) perform any other spectrum related functions that are conferred on the Authority under any other written law.

43 Interference by service providers

(1) In resolving radio spectrum disputes between service providers, the Authority may:
- (a) appoint at the request of the service providers an arbitrator of their choice to arbitrate the dispute at their own cost; or
- (b) assign staff or technical experts to mediate the dispute and where the mediation does not resolve the dispute, the Authority may consider and determine the dispute itself.

(2) Subject to subsection (1), the Authority may direct:
- (a) the service providers involved in the interference to meet to:
  - (i) prevent or eliminate the continuance of the interference; or
  - (ii) resolve the dispute; and
- (b) the service providers to provide periodic reports to the Chief Regulator to assist him or her in determining whether the interference is continuing and its impact on other service providers and subscribers.

(3) A decision made under subsection (1) by arbitration or mediation shall become a decision of the Authority binding upon the respective service providers.

(4) The Authority may suspend or revoke a licence if a service provider fails to comply with the decision or order of the Authority.

44 Spectrum coordination

The Chief Regulator shall consult and coordinate the use of the spectrum with other countries, international users and international organisations as required by any written law or treaty in force or as otherwise determined by the Authority.

45 Interfering equipment and apparatus of an unlicenced person

(1) A person who owns or uses any apparatus of any kind that emits a frequency which interferes with the lawful transmission or receipt of communication by the holder of a licence issued under this Act, shall upon notice from the Chief Regulator as directed by the Authority, cease to operate the apparatus or modify the apparatus so as to prevent that interference within the time specified in the notice.

(2) A person who contravenes subsection (1), commits an offence and upon conviction is liable to a fine not exceeding $10,000 or to a term of imprisonment not exceeding 2 years or to both.

[The next page is 751,801]

46 Interconnection by all service providers

(1) A service provider may require by notice in writing any other service provider to negotiate in good faith an agreement for the provision of interconnection.

(2) A service provider shall in good faith consider any request made under subsection (1).

(3) The duty to act in good faith is deemed to have been breached where a service provider:

(a) unreasonably obstructs or delays negotiations or fails to make reasonable efforts to resolve disputes;

(b) refuses to provide information about a service provider's own communication services, network, equipment or apparatuses where such information is reasonably necessary for the interconnection arrangements or negotiations;

(c) misleads or coerces a party into reaching an agreement the party would not otherwise have made; and

(d) interferes in any way with a service provider's ability to communicate with the Authority, including having a service provider sign a non-disclosure agreement that precludes a service provider from providing information requested by the Authority.

(4) A service provider is not required to enter into an interconnection agreement on terms that would in the service provider's reasonable opinion:

(a) cause or likely to cause material danger, damage or injury to a person or to any property;

(b) cause material damage or otherwise interfere with the operation of the network provider's equipment or apparatuses or the provision of the network provider's communication services; or

(c) will have technical or economic constraints.

47 Interconnection disputes

(1) Where 2 service providers fail to agree on any terms and conditions for interconnection within a period of 60 days from the date of receipt of a written notice provided under Section 46, either of the service providers on notice to the other may refer the dispute to the Authority for determination.

(2) Following the receipt of a written request under subsection (1), the Authority may:

(a) determine the terms and conditions of the interconnection agreement; or

(b) under its supervision or control, direct the service providers to take action to resolve the dispute.

(3) An interconnection agreement determined under this Section shall:

(a) be consistent with internationally accepted principles, practices and methodologies for determining the interconnection terms and prices, including international benchmarking methodologies designed to reflect actual costs; or

(b) not provide for interconnection, where interconnection is not technically, economically or legally feasible, or would adversely affect the security of the first service provider's network.

(4) Where the Authority considers a dispute under subsection (2)(a), the Authority shall:

(a) consult with the service providers; and

(b) provide to the service providers a draft interconnection agreement or a draft direction,

before determining the terms and conditions of the interconnection agreement or making a decision.

[The next page is 752,001]

PART 8 — RELATIONS BETWEEN SERVICE PROVIDERS AND SUBSCRIBERS

48 Confidentiality of subscribers information

(1) A service provider shall not disclose information concerning a subscriber without the subscriber's written consent or unless the disclosure is required by this Act or any other written law.

(2) A subscriber may require a service provider to correct or remove any information relating to him or her.

(3) Where the service provider fails or declines to consider a request, the subscriber may lodge a complaint to the Authority.

(4) All information of a subscriber shall be retained by a service provider or network provider for billing purposes only and be retained for a period of 7 years.

49 Confidentiality of subscribers communication

(1) A service provider shall take all reasonable steps to maintain the confidentiality of a subscriber's communication.

(2) A service provider shall not intercept, monitor, alter or modify the content of a subscriber's communication except as permitted or required by law.

(3) For the purposes of tracing and locating a source of harassing, offensive or illegal calls or as otherwise provided under other written laws, a subscriber may make a written request to the Chief Regulator for a service provider to monitor communication to the subscriber's connections to the extent the service provider is able to do so within its current technology.

(4) The Chief Regulator may direct the service provider to comply with the request under subsection (3).

[The next page is 752,201]

50 Equipment

The Authority may:

(a) publish the criteria for certification and establish standards for approval of equipment and apparatus;

(b) require that any specified type of equipment proposed to be attached to a communication network be approved;

(c) identify and publish domestic or foreign organisations or testing facilities for approval of equipment and apparatus for use in connection with communication services or networks;

(d) maintain a list of certified or approved types of equipment and apparatus; or

(e) publish a list of equipment which are deemed to be approved on the basis of:

(i) manufacturer;

(ii) place of manufacture;

(iii) standards of manufacture;

(iv) brand name;

(v) any approval granted by a recognised approving authority in any other country; or

(vi) International Organisation of Standardisation.

51 Mutual recognition agreements

The Authority may enter into recognition agreements with authorities in other countries to provide for the recognition, certification and approval of equipment and apparatus.

52 Approval of equipment

(1) Any equipment that is approved by a recognised international testing authority and is used or supplied by a service provider in accordance with the terms of its licence, is deemed to be approved equipment, unless the Authority expressly determines otherwise in accordance with Section 53.

(2) The Authority may approve equipment for use by either reference to a class, type or brand of equipment or by individual approval in accordance with subsection (5) as:

(a) subscriber equipment;

(b) equipment for use with a licenced system; or

(c) equipment for use with an authorised service.

(3) An approval under subsection (1) may include such reasonable conditions for the modification of the equipment.

(4) A person intending to use equipment which has not been approved by the Authority in accordance with subsection (1) shall apply in writing to the Authority for the approval of the equipment and provide such information necessary for the Authority to make its decision.

(5) Upon receipt of an application under subsection (3), the Authority may:

(a) approve;
(b) reject; or
(c) approve subject to such conditions as it thinks fit including conditions as to modification of the equipment.

(6) Where an application for equipment is rejected the person seeking approval shall not use the equipment for the purposes of providing communication services.

(7) Where a person uses an equipment rejected under subsection (5):
(a) the Chief Regulator may direct the person to remove the equipment; and
(b) if the person wilfully fails or neglects to remove the equipment after direction given by the Chief Regulator,
the Authority may seize and destroy the equipment.

53 Declaration of infringing equipment

Where the Authority determines that a type, class or brand of equipment fails to meet the requirements of the Act or is likely to cause a threat or a danger to a person or any property or otherwise interferes with the lawful operation of any communication services, the Authority may by notice in the Gazette declare that type, class or brand of equipment to be infringing equipment.

54 Equipment causing interference

An equipment which persistently causes interference to service providers and which is not capable of being modified so as to prevent the interference is an infringing equipment.

55 Determination of technical standards

(1) The Authority may, following a consultation by notice in the Gazette, determine reasonable non-discriminatory technical standards relating to systems or to equipment that is connected or to be connected to a system.

(2) The Authority may only determine a standard under subsection (1) where it believes it is necessary or desirable to do so in order to:
(a) protect the integrity of a system or the safety of a person working on or using services supplied by means of a system;
(b) ensure the compatibility of equipment with a system to which it is connected;
(c) ensure that the equipment connected to a system complies with a recognised international standard;
(d) maintain or improve the quality of services;
(e) reduce or limit interference to communications or to any use or function of an equipment; and
(f) establish an adequate level of immunity from electromagnetic disturbance to the systems.

56 Non-application of standards for radio and television

This Part does not apply to radio or television receivers used by a residual user to receive a broadcasting service.

57 Licencing of apparatus

The Authority may grant a licence for the installation, operation or use of any

apparatus by the Naoero Maritime and Port Authority, Civil Aviation Authority or meteorological service and on any vessel or on any aircraft that operates predominantly within the exclusive economic zone of the Republic.

[s 57 am Act 21 of 2026 s 5, opn 12 May 2026]

58 Register of approved types of equipment

The Authority shall establish and maintain a register of all approved types of apparatus and equipment which shall be accessible to the service providers or members of the public on the payment of prescribed fees.

[The next page is 752,401]

59 National numbering plan

(1) The Authority shall by order prepare, publish, and manage a national numbering plan and assign numbers and number ranges to service providers and subscribers in accordance with the plan.

(2) In preparing, managing or modifying the national numbering plan, the Authority shall consult with the service providers having regard to the existing allocation and assignment of numbers.

(3) The Authority may modify the national numbering plan by notice to service providers published at least 30 days before the date when the modification is to come into effect.

(4) The national numbering plan shall be consistent with the requirements of relevant international treaties, conventions, agreements, commitments and recommendations that are binding on or have effect in the Republic whether or not they have entered into force.

(5) All service providers and network providers shall:

(a) use numbers assigned to them by the Authority in accordance with the national numbering plan;

(b) ensure that the numbers are used efficiently and in accordance with the plan; and

(c) use the numbers only for the purpose for which the numbers were assigned.

(6) No service provider or subscriber has any property rights in numbers assigned under this Section.

[The next page is 752,601]

60 Rights of entry in respect of existing works and lines

(1) This Section applies where a network provider wishes to enter upon any land including land owned by the Republic for gaining access to any existing line, equipment or apparatus owned or controlled by the network provider or for which the network provider is a bailee.

(2) The network provider may perform any act or operation necessary for inspecting, maintaining or repairing the line, equipment or apparatus.

61 Removal or trimming of trees

(1) This Section applies, where there is danger to or interference with any line, equipment or apparatus arising from any tree, shrub or plant on any land or road.

(2) The network provider may give any written or oral notice to the occupier of the land or in the case of a road to the Secretary for Infrastructure to enter upon the land or road where the tree, shrub or plant is rooted or overhangs and remove or trim as is necessary and sufficient to remove any danger or interference.

(3) An officer, employee or agent of a network provider entering onto the land or road under subsection (1) shall have possession of his or her authority or identification or be working under the immediate control of a person holding evidence of that person's authority and identification, which shall be produced if required.

(4) Where the network provider carries out any work on a tree, shrub or plant on any land or road under the authority of subsection (2), the occupier of the land or authority or person having control of the road as the case may be, is liable for the reasonable cost of the work of the network provider.

62 Offence for contravention of this Part

(1) A network provider who contravenes this Part, commits an offence and upon conviction is liable to a fine not exceeding $20,000.

(2) In addition to any fine imposed under subsection (1), the Supreme Court may make an order for compensation.

63 Compensation

(1) In the exercise of the powers conferred on it under this Act, a service provider shall do as little damage as reasonably possible and every person having any estate or interest in land entered upon for the purposes of this Part or injuriously affected by or suffering any damage from the exercise of any of those powers, is entitled to compensation.

(2) Where the amount of the compensation is not agreed to between the service provider and the person having estate or interest in the land, the matter shall be determined by the Supreme Court.

64 Protection of equipment and apparatus

Any existing equipment or apparatus fixed to or installed over or under any land that a network provider owns, has possession of or controls at the commencement of this Act, is deemed to be lawfully fixed or installed and continued to be fixed or installed.

65 Allocation of frequencies to the Republic

(1) The Authority shall allocate frequencies to the Republic for use for communication services or broadcasting at the request of the Secretary.

(2) The Authority may regulate the use of frequencies allocated under subsection (1) including the use of those frequencies for purposes of broadcasting by persons other than the Republic.

(3) The Authority may allocate frequencies for use in or by licenced systems, and for such other purpose as it thinks fit.

(4) In the allocation of frequencies under this Section, the Authority shall have regard to any plan or scheme of allocation of frequencies established by any international agreement, including agreements with other countries.

(5) The Secretary shall keep the Authority informed of the Republic's need for frequencies.

[The next page is 752,801]

66 Authorised officers

(1) The Minister may on the recommendation of the Authority by notice in the Gazette appoint authorised officers for the purposes of this Act.

(2) An authorised officer appointed under subsection (1) shall be issued with an identification card duly signed by the Chief Regulator under the seal of the Authority.

(3) An authorised officer, who is required to produce his or her identification card and fails to do so, shall not exercise any powers under this Act.

67 Powers of authorised officers

(1) Where an authorised officer has a reason to suspect that any part of this Act has been, is being or is about to be contravened, the authorised officer may:
   (a) with the consent of the occupier or under a warrant issued by a Resident Magistrate:
      (i) at any time enter upon and search any land, vehicle, vessel, aircraft or premises; and
      (ii) inspect, remove or make copies of any book, record, document or digital copies of any electronic material;
   (b) seize any infringing equipment which has never been approved by the Authority and has caused damage or interference to an existing service provider;
   (c) either with or without warrant issued by a Resident Magistrate, inspect and take photographs or make sketches of any licenced systems or equipment located in any public place; or
   (d) act in accordance with any such powers as are given to him or her by or under this Act or any other written law.

(2) Where the Resident Magistrate on an application made on oath is satisfied that there are reasonable grounds for believing that it is necessary for the purposes of ascertaining or establishing whether a person has committed or is committing an offence under this Act for an authorised officer to exercise the powers under subsection (1), the court may issue a warrant for the authorised officer to exercise those powers in relation to any land, vehicle, vessel, aircraft or premises specified in the warrant.

(3) A warrant issued under subsection (2) authorises the person named in the warrant within the period specified in the warrant to enter upon and search land, vehicle, vessel, aircraft or premises specified in the warrant and to exercise all or any of the powers described in subsection (1).

(4) A person who executes a warrant under this Section shall prepare a schedule specifying:
   (a) any documents that have been removed from the premises or of which any copies or extracts have been made;
   (b) any equipment or apparatus that has been removed from the premises;
   (c) the place from which any documents or equipment or apparatuses have been removed; and
   (d) the place where any document or communication equipment is held.

(5) The occupier or person in charge of any premises that an authorised person enters under subsection (2) shall not obstruct the authorised person from the effective exercise of the powers of the authorised person.

(6) In the exercise of powers under this Act, an authorised officer may seek from any police officer such assistance as is reasonably necessary to give effect to those powers.

68 Obstruction of authorised officers

(1) A person commits an offence, if he or she:
- (a) furnishes to an authorised officer any particulars which to his or her knowledge are false or misleading in any material respect;
- (b) refuses or obstructs entry to or search of any land, premises, vehicle, vessel, aircraft, equipment or other thing as required or permitted by this Act;
- (c) assaults, threatens, obstructs, hinders, resists, delays, intimidates or fails to take reasonable measures to ensure the safety of an authorised officer in the performance of his or her functions or exercise of powers;
- (d) wilfully misleads or by threats, demands or promises, attempts to influence improperly an authorised officer in the performance of his or her functions or exercise of powers; or
- (e) refuses, obstructs, fails or neglects to provide any particular, equipment, information, record or other material.

(2) A person who commits an offence under this Section, is liable upon conviction to a fine not exceeding $10,000 or to a term of imprisonment not exceeding 2 years or to both.

69 Offences

(1) A person commits an offence, if he or she:
- (a) knowingly provides or uses an infringing system or service;
- (b) provides, uses, sells or possesses equipment knowing or suspecting on reasonable grounds that it is for use with an infringing system or service;
- (c) provides or uses an unlicenced or unauthorised connection;
- (d) provides, uses, sells or possesses equipment knowing or suspecting on reasonable grounds that it is for use in making an unlicenced or unauthorised communications connection;
- (e) intentionally operates equipment or a system at frequencies other than those allocated for use under a spectrum licence;
- (f) knowingly provides, uses, sells or possesses infringing equipment;
- (g) knowingly provides or uses equipment contrary to the conditions of its approval for use under Part 9;
- (h) breaches any condition as to the use or modification of equipment under Part 9; or
- (i) unlawfully modifies any equipment.

(2) A person who contravenes subsection (1), commits an offence and upon conviction is liable to a fine not exceeding $10,000 or to a term of imprisonment not exceeding 2 years or to both.

70 Protection of communications and other information

(1) All communications and other information which is received from a subscriber shall be kept confidential at all times by the:

(a) staff of the Authority;
(b) service providers; and
(c) agent or employee of the service providers.

(2) A person who other than the staff of the Authority or a service provider or his or her employee, agent or contractor acting lawfully during and in the course of his or her duties:
(a) intentionally intercepts;
(b) makes use of; or
(c) intentionally discloses to a person,
a communication or the contents or substance of a communication or any information or the contents of any document that comes to his or her knowledge or to which he or she has access to in the course of his or her duties or his or her connection with the Authority, commits an offence and upon conviction is liable to a fine not exceeding $10,000 or to a term of imprisonment not exceeding 2 years or to both.

(3) Nothing in this Section applies to anything done:
(a) in compliance with a warrant or to any disclosure in connection with the investigation of any criminal offence or for the purposes of any criminal proceedings;
(b) to the extent that the interception, use or disclosure is authorised or required under this Act or any other written law;
(c) to the extent that the person providing the information authorised its disclosure at the time of providing the information; or
(d) to the extent necessary to enable the Minister or the Authority to publish statistical information concerning the subject matter of the functions of the Authority.

71 Prohibition on interfering or modification of communication

A staff of the Authority, a service provider or his or her employee, agent or contractor who otherwise than in the proper course of his or her duties, intentionally and without lawful excuse modifies or interferes with the contents of a communication sent by means of a communication network, commits an offence and upon conviction is liable to a fine not exceeding $10,000 or to a term of imprisonment not exceeding 2 years or to both.

72 Unlicenced transmissions

(1) This Section does not apply to the use of equipment used in accordance with an agreement, treaty or convention entered into between the Republic and any other country or countries or any international, regional or subregional body.

(2) Subject to subsection (4), a person outside the Republic commits an offence when he or she without a valid licence, uses an equipment on board a foreign vessel or foreign aircraft:
(a) for the purposes of broadcasting to the general public, radio or television programs in the Republic; and
(b) in a manner that the person knows is likely to interfere substantially with communication services within the Republic or between the Republic and a place outside the Republic.

(3) Subject to subsection (4), a person commits an offence when he or she knowingly operates equipment:
  (a) so as to cause interference with the operation of any other equipment or system;
  (b) so as to interfere with the safe operation of vessels or aircrafts; or
  (c) in a manner likely to endanger the safety of another person or to cause another person to suffer or incur substantial loss or damage.

(4) It is a defence to a charge of contravention of subsection (2) or (3) that this use or operation of the equipment was believed to be reasonably necessary for the purpose of:
  (a) securing the safety of a vessel or aircraft that was in danger;
  (b) dealing with an emergency involving a serious threat to the environment;
  (c) dealing with an emergency involving risk of death of or injury to persons; or
  (d) dealing with an emergency involving risk of substantial loss of or substantial damage to property.

(5) In any proceeding under subsection (2) or (3), the burden is on the accused to prove that there was no contravention.

73 Protection of facilities

A person who damages, removes or tampers with any facility or system or any part of a facility or system with the intention of interfering with, preventing or obstructing the transmission or delivery of a communication commits an offence and upon conviction is liable to a fine not exceeding $50,000 or to a term of imprisonment not exceeding 12 months or to both.

74 Prosecution under other laws

Nothing in this Act prevents a person from being prosecuted under any other written law for any act or omission which constitutes an offence against this Act or from being liable under any other written law to any punishment or penalty higher or other than that prescribed by this Act but no person shall be punished more than once for the same offence.

75 Remedies

A person who has suffered loss or damage caused by interference may at any time apply to the court for:
(a) an order that appropriate measures be taken in order to prevent or mitigate any further interference; and
(b) damages for any loss suffered as a result of the interference including loss of any benefit that the person might reasonably have been expected to obtain but for the interference.

76 Presumptions as to equipment

(1) An equipment or apparatus found in the possession or control of an occupier of any land, premises, vehicle, vessel or aircraft shall be presumed to be in use by the occupier or the occupier's servants or agents.

(2) An equipment or apparatus shall be deemed capable of operation unless the Authority is satisfied that the equipment has been dismantled or rendered completely inoperative.

[The next page is 753,001]

PART 13 — APPEALS AGAINST DECISION OR ORDER OF THE AUTHORITY

77 Appeals

(1) A person aggrieved by a decision or order of the Authority shall file and serve an appeal to the Supreme Court within 21 days of the decision or order of the Authority of which appeal is sought being notified to that person.

(2) The appeal shall be filed by way of a notice of appeal.

(3) No appeal shall be filed against a decision or order of the Authority after a lapse of 6 months from the time the decision or order was made.

(4) A decision of the Authority shall be stayed:
(a) until the period of 21 days from the date of any decision or order made by the Authority for filing an appeal has lapsed; and
(b) in case of an appeal, until the final determination of the appeal.

(5) Save for the procedure prescribed by any regulations made under this Act, the civil practice and procedure rules of the court shall apply.

78 Respondent's notice

(1) A respondent, who not having appealed against the decision or order of the Authority, desires to contend on the appeal that the decision or order of the Authority be varied shall give notice to that effect by way of a respondent's notice.

(2) A respondent who desires to contend on the appeal that the decision or order of the Authority be affirmed on the grounds other than those relied upon by the Authority, shall give notice to that effect.

(3) A respondent's notice shall be filed by the respondent within 14 days of the service of the notice of appeal.

79 Powers of the Supreme Court

The powers of the Supreme Court for the purposes of the appeal shall be to:
(a) give leave to appeal out of time;
(b) extend time within which a notice of appeal may be filed or within which any other matter or thing may be done;
(c) grant any amendment to the notice of appeal or respondent's notice;
(d) order payment of security for costs;
(e) order costs of the appeal or any interlocutory application;
(f) dismiss the appeal;
(g) reverse or vary the decision or order of the Authority; or
(h) allow the appeal and refer the matter for the Authority to reconsider.

80 Appeals to be heard by single Judge or Full Court

(1) An appeal under this Act or any interlocutory proceeding may be heard by a single Judge or by the Full Supreme Court.

(2) Where a party seeks to have the appeal heard by the Full Court, the party shall apply to the Court and the Court shall, unless any good reason to the contrary is shown, grant the application.

(3) Where the Chief Justice or a single Judge deems it fit that the appeal from the Authority raises a matter of significant importance, he or she shall make an order that the appeal be heard by the Full Court.

[The next page is 753,201]

81 Application of this Part

This Part applies to:

(a) a service provider; and

(b) a person or a class of persons engaged in conduct that requires a communications licence under this Act.

82 Communication services markets

For the purposes of this Part, the definition of a communication services market for a particular communications service or the product or service used in connection with a relevant product or service shall include:

(a) the applicable service; and

(b) all other products or services that are reasonably substitutable for the applicable service having regard to:

(i) the nature and function of the applicable service;

(ii) the geographic areas in which the applicable service is supplied or acquired; and

(iii) the relevant person that acquire or supply the applicable service.

83 Substantial market power

(1) For the purposes of this Part, in determining whether a service provider has substantial market power in a communication services market, regard shall be had to:

(a) the terms and conditions of any licence under this Act or the repealed Act;

(b) the extent to which the conduct of the service provider is constrained by:

(i) any competitors or potential competitors of the service provider; or

(ii) a person that the service provider supplies to or acquires goods or services from;

(c) the service provider's market share in that or any other communication services market;

(d) the power derived from any agreement, arrangement or understanding the service provider has entered into with the Authority, the Government of Naoero, another service provider or person; and

(e) whether the service provider has access to any technology or infrastructure that is not readily available to any other person.

[subs (1) am Act 21 of 2026 s 5, opn 12 May 2026]

(2) The list of matters that shall be taken into account in subsection (1) does not preclude the consideration of any other relevant matter in determining whether a service provider has substantial market power in a communication services market under this Part.

(3) In the absence of sufficient evidence to the contrary, a service provider shall be presumed to have substantial market power in a communication services market if the gross revenue derived by the service provider from the products or services supplied by the service provider in that communication

services market is greater than or equal to 60 percent of the total revenue derived by all market participants in the relevant communication services market.

(4) Nothing in this Section precludes a finding that 2 or more service providers possess substantial market power within the same communication services market.

(5) For the purposes of this Section:

(a) '***gross revenue***' of a service provider shall be calculated as the sum of the market value of all products or services supplied in the relevant communication services market by the service provider; and

(b) '***total revenue***' derived by all market participants in the relevant communication services market shall be calculated as the sum of the market value of all products or services supplied in the relevant communication services market.

84 Competition guidelines

The Authority may make such guidelines as it considers necessary or convenient for or in connection with the performance of its functions under this Part.

85 General prohibition on anti-competitive conduct

A service provider shall not engage in any conduct which has the purpose or is likely to have the effect of substantially lessening competition in a communication services market.

86 Anti-competitive agreements

(1) A service provider contravenes this Part if it enters into or gives effect to any agreement, arrangement or understanding with any one or more other service providers which has the purpose or has or is likely to have the effect of:

(a) fixing, controlling or maintaining the prices for or any discount, allowance, credit or rebate for any relevant product or service;

(b) allocating as between the service providers or any of them:

(i) the customers or potential customers;

(ii) the suppliers or potential suppliers; or

(iii) the geographic areas of a communication services market;

(c) preventing, restricting or limiting:

(i) the supply or acquisition of a relevant product or service; or

(ii) access to a relevant product or service by any person or class of persons; or

(d) ensuring that in relation to a request for a bid or tender from a person for the supply or acquisition of any relevant product or service one or more of the service providers that is a party to the agreement, arrangement or understanding:

(i) does not submit a bid or does not submit a bid that is likely to be successful; or

(ii) submits a bid that is more likely to be successful than any other service provider that is a party to the agreement, arrangement or understanding.

(2) Subsection (1) does not apply to a service provider that enters into or gives effect to a provision that is:
  (a) in a joint venture agreement between one or more other service providers that governs a joint venture for the supply or acquisition of a relevant product or service; and
  (b) necessary for the purposes of the joint venture mentioned in paragraph (a).

87 Prohibition on anti-competitive practices

(1) A service provider shall not supply a relevant product or service on the condition that the person acquiring the relevant product or service shall agree to or shall:
  (a) acquire any other product or service from another person; or
  (b) not acquire any product or service from any other person.

(2) A service provider shall not supply a relevant product or service to a relevant person on the condition that the relevant person shall not:
  (a) supply any relevant product or service to a person or class of persons; or
  (b) acquire any relevant product or service from a person or class of persons.

(3) A service provider shall not refuse to supply a relevant product or service to a relevant person for the reason that the relevant person:
  (a) has supplied or acquired; or
  (b) has not agreed not to supply or acquire,
  any goods or services from another service provider.

(4) A service provider shall not supply a relevant product or service, to a person with a requirement that the person shall not re-supply that relevant product or service at a price:
  (a) other than; or
  (b) lower than,
  a price specified by the service provider.

(5) A service provider shall have imposed a requirement on a person in contravention of subsection (4) if it:
  (a) induces or attempts to induce a person by way of a commercial or other incentive;
  (b) makes it known that the service provider shall withhold the supply of any good or service if a person does not agree; or
  (c) makes it known that a person shall suffer a commercial detriment if the person does not agree not to re-supply a relevant product or service at a price that is:
    (i) other than; or
    (ii) lower than,
    a price specified by the service provider.

(6) A service provider does not contravene subsection (1), (2), (3) or (4) in respect of any conduct if the service provider is able to establish that the relevant conduct did not have the purpose or have the effect or likely effect of substantially lessening competition in any communication services market.

88 Prohibition on misuse of substantial market power

(1) A service provider with substantial market power in a communication services market shall not use that substantial market power for the purpose of:
  (a) eliminating or substantially damaging another service provider in that market or in any other communication services market;
  (b) preventing the entry of any other person into that market or any other communication services market; or
  (c) deterring any other service provider from engaging in competitive conduct in that or in any other communication services market.

(2) In determining whether a service provider has contravened subsection (1), regard may be had to any conduct involving the service provider:
  (a) supplying a relevant product or service at a price that is equal to or less than the cost to the service provider of supplying that relevant product or service over a sustained period;
  (b) refusing to supply a person with a relevant product or service that is essential to the supply of another relevant product or service in the same or any other communication services market;
  (c) supplying a person with a relevant product or service referred to in paragraph (b) on terms that would prevent the person from supplying another product or service in the same or any other communication services market at a competitive price; or
  (d) refusing to supply on a timely basis such technical information that is necessary for a person to supply a relevant product or service.

(3) The Authority may by an order published in the Gazette define '***a sustained period***' for the purposes of subsection (2).

89 Prohibition on discrimination

(1) Subject to subsection (3), a service provider with substantial market power in a communication services market shall not in the supply of any relevant product or service make the relevant supply to a person on terms that are less favourable than the terms on which the same relevant supply is made to another person.

(2) For the purposes of determining, whether a service provider has contravened subsection (1), regard may be had to the following terms on which the relevant supply is made by a service provider to a person:
  (a) any fee or charge for the relevant supply;
  (b) the performance characteristics of the relevant supply;
  (c) the timeliness with which the relevant supply is made; and
  (d) any conditions or restrictions on which the relevant supply is provided to the person by the service provider.

(3) Nothing in this Section prevents a service provider with substantial market power from making a relevant supply to a particular person on terms different to that on which a relevant supply is made to another person in circumstances where the difference results from the service provider making reasonable allowance for:
  (a) a difference in the quantity in which the relevant supply is made;
  (b) a difference in transmission capacities needed for the relevant supply;
  (c) the length of time over which the relevant supply is made; or

(d) any differences in the performance characteristics of the relevant supply.

90 Merger or acquisition of interest

(1) A service provider shall not directly or indirectly acquire any interest in:
(a) any other service provider; or
(b) the assets of any other service provider,
without the prior written consent of the Authority.

(2) A service provider or a person acting on behalf of a service provider may make a written application to the Authority to provide its written consent for a service provider to obtain a prohibited interest.

(3) The Authority may make rules regarding what information shall be included in an application in order for it to be a valid application for written consent in accordance with subsection (2).

(4) Upon receipt of a valid application, the Authority shall provide its written consent for a service provider to acquire a prohibited interest unless the Authority is satisfied that the acquisition by a service provider of the prohibited interest:
(a) shall have the effect; or
(b) is materially likely to have the effect,
of substantially lessening competition in a communication services market.

(5) Before making rules under subsection (3), the Authority shall consult with the service providers, subscribers or any other stakeholders in accordance with the regulations.

91 Authorisation

(1) Subject to this Part, the Authority may upon application by a service provider, grant an authorisation to the service provider in respect of any conduct that would or may contravene this Part.

(2) A service provider shall not contravene this Part in respect of any conduct which is the subject of an authorisation that has been granted to the service provider in accordance with this Section.

(3) An application for authorisation in accordance with this Section shall be accompanied by:
(a) such documents and supporting information; and
(b) the prescribed fee.

(4) The Cabinet on the recommendation of the Authority shall make regulations specifying the procedure to be followed for the determination of an application for authorisation under this Section.

(5) The Authority before recommending to the Cabinet to make regulations under subsection (4) shall carry out consultation with the service providers, subscribers and other stakeholders under the regulations.

(6) The Authority shall keep a register of:
(a) applications for authorisations received;
(b) authorisations granted; and
(c) authorisations revoked.

(7) The Authority shall not grant an application for authorisation submitted by a service provider in accordance with this Section unless the Authority is

satisfied that in all the circumstances, the public benefits to be derived from the conduct that is the subject of the authorisation application are likely to outweigh the public detriments that are likely to result from that conduct.

(8) An authorisation granted by the Authority in accordance with this Section shall commence on the date specified in the authorisation and remain in force for a period of:
(a) 2 years; or
(b) such other period that is less than 2 years as the Authority may decide in its discretion.

(9) During the period in which an authorisation is in force, the Authority may vary an authorisation:
(a) upon application by the service provider that holds the authorisation; and
(b) if the Authority is satisfied that it is appropriate to do so, having regard to the matters in subsection (7) and any other relevant considerations.

(10) During the period in which an authorisation is in force, the Authority may revoke an authorisation if the Authority is satisfied that:
(a) the authorisation was granted on the basis of evidence or information which was false or misleading in a material way;
(b) a condition on which the authorisation was expressed to be granted has not been or is no longer complied with; or
(c) there has been a material change in the circumstances that led to the Authority granting the authorisation.

(11) Nothing in this Section precludes a service provider from applying for an authorisation for the conduct that has been the subject of an authorisation that:
(a) has expired; or
(b) was revoked in accordance with subsection (10).

92 Offence and penalty under this Part

A person who contravenes one or more provisions of this Part, commits an offence and upon conviction is liable to a fine not exceeding $50,000 or to a term of imprisonment not exceeding 2 years or to both.

[The next page is 753,401]

93 Broadcasting and content standards

The Cabinet may by regulations make standards for contents application service supplied in the Republic which shall apply to all service providers that supply a contents application service.

94 Matters for broadcasting and content standards

The Cabinet may make regulations under this Part which may include:

(a) the restrictions or prohibitions relating to the supply of unsuitable content or particular types of content;
(b) the methods of classifying content;
(c) the restrictions or prohibitions relating to advertising content;
(d) the representation of the Republic's culture and national identity; and
(e) restrictions on the hours during which broadcasting services or services for delivering subscription content may be supplied.

95 Cabinet directions to be complied with

A service provider shall comply with any directions of the Cabinet given under this Part.

96 Enforcement

The Authority shall enforce or require any service provider to comply with the regulations made under this Part.

97 Censorship

A service provider shall not knowingly and with unlawful intent supply any content which:

(a) is indecent or obscene;
(b) displays excessive violence;
(c) is blasphemous;
(d) is treasonous or seditious; or
(e) will contravene any written law.

98 Religion

The Cabinet may require a service provider to supply without any charge divine worship content or other content of a religious nature during such periods as the Cabinet may determine.

99 National Interest

The Cabinet may require a service provider to supply without charge such content relating to national interest matters as the Cabinet may determine.

100 Education

The Cabinet may require a service provider to supply with reasonable fee or without charge such educational content as the Cabinet may determine.

101 Offence

A service provider, who supplies contents application service contrary to the provisions of this Act, commits an offence and upon conviction is liable to a fine not exceeding $10,000 or to a term of imprisonment not exceeding 2 years or to both.

[The next page is 753,601]

PART 16 — INTERNET SERVICE PROVIDERS AND HOST SERVICE PROVIDERS

102 Take-down notices

(1) For the purpose of this Section:
   (a) ***'computer data storage medium'*** means any article or material such as a hard drive, disk, flash drive from which information is capable of being reproduced with or without the aid of any other article or device;
   (b) ***'prohibited content'*** means content that contravenes the standards of Section 98 under this Act; and
   (c) ***'take-down notice'*** means a notice issued by the Authority directing the hosting service provider to take such steps to ensure the hosting service provider ceases to host the content or part of such content.

(2) The Authority, may either in response to a complaint or on its own initiative, investigate whether a hosting service provider is hosting prohibited content.

(3) Where after an investigation under subsection (1) the Authority is satisfied that the content hosted by a hosting service provider is prohibited content, the Authority may give the hosting service provider a written notice directing the hosting service provider to take such steps as are necessary to ensure that the hosting service provider ceases to host the content.

(4) A hosting service provider shall comply with a take-down notice issued to it under subsection (2) as soon as practicable but in any event within 7 working days after the notice was received by the hosting service provider.

(5) Each hosting service provider shall have in place a procedure for receiving and responding to take-down notices.

(6) As soon as practicable after a hosting service provider receives a take-down notice under subsection (2), it shall where practicable notify the person who made the offending content accessible to the public that the offending content is subject to a take-down notice.

103 Opt-out filtering

(1) For the purposes of this Section:
   (a) ***'filtering'*** means a product or service designed to restrict or deny access to a web page or other content available on the internet; and
   (b) ***'family friendly filtering'*** means filtering that is designed to deny or restrict access to content on the internet where it is unlawful to possess, access, distribute or publish that content under any written law.

(2) Where an internet service provider supplies an internet service to a subscriber in the Republic, the Authority may direct the internet service provider to make family friendly filtering available to subscribers.

(3) An internet service provider shall not charge a subscriber for family friendly filtering any amount greater than the total cost incurred by the internet service provider in obtaining, supplying and maintaining the family friendly filtering.

(4) A subscriber may request that an internet service provider that supplies an internet service to that subscriber disable family friendly filtering applying to that internet service.

(5) An internet service provider shall take all reasonable steps to ensure that the family friendly filtering only denies or restricts access to content on the internet that is unlawful to possess, access, distribute or publish under any written law and in doing so internet service providers shall take reasonable steps to ensure unrestricted access to *bona fide* scientific, medical and health information.

104 Mandatory filtering

(1) The Cabinet may direct the Authority to implement a procedure and devise a scheme in consultation with service providers to prevent access to child pornography material otherwise accessible on the internet.

(2) An internet service provider shall comply with subsection (1).

(3) In devising a scheme, the Authority in consultation with the service providers shall have regard to:
- (a) the benefits of free communication and access to information on the internet;
- (b) community expectations and the Republic's cultural and national values;
- (c) the technical feasibility of the scheme;
- (d) the costs and other impacts on internet service providers and residual users of implementing the scheme; and
- (e) the need to ensure the scheme is as transparent as possible and that there are appropriate avenues to ensure that access to domains that do not contain child pornography remains unrestricted.

(4) For the purposes of this Section, '***child pornography material***' has the meaning provided under Section 3 of the *Cybercrime Act 2015*.

105 Internet service providers shall report child pornography material

Where an internet service provider or hosting service provider:
- (a) becomes aware that a communication service provided by the internet service provider or hosting service provider can be used to access material on a particular webpage, website or internet protocol address that the internet service provider or hosting service provider has reasonable grounds to believe is child pornography material; or
- (b) is advised of a webpage, website or internet protocol address where child pornography material may be stored or made available to the public,

the internet service provider or hosting service provider shall, within a reasonable time of becoming aware or being informed of those details, report those details to the Naoero Police Force.

[s 105 am Act 21 of 2026 s 5, opn 12 May 2026]

[The next page is 753,801]

106 National Security

(1) A service provider shall comply with any written request, directions or other requirements by the President regarding access to any part of the service provider's communication network or services or related information in connection with national security requirements or prevention or prosecution of contravention of any written laws.

(2) A service provider shall facilitate any request, direction or other requirements under subsection (1) on the basis that it neither profits from nor bears the costs of facilitating any such request, direction or other requirement.

(3) For the purposes of subsection (1), the President after consulting the Director of Public Prosecutions on matters relating to prosecution, may determine that any event or matter concerning national security or the prevention, detection or prosecution of any contravention of any written laws.

107 National emergency and state of disaster

(1) In case of a national emergency or a state of disaster, service providers shall comply with any directions issued by the Cabinet, Secretary for Department of National Emergency Services or the Commissioner of Police to respond or alleviate problems faced by the public or the Government pertaining to the emergency or disaster.

(2) The service providers may apply to the Government for compensation for the period of suspension of services for the purposes of subsection (1).

(3) The compensation under subsection (2) shall be on the basis that the service provider neither profits from nor bears the costs of giving such service.

108 National emergency numbers

(1) The Authority is responsible for the oversight of all national emergency numbers and emergency communication services.

(2) A provider of communication services shall provide access to emergency numbers to the subscribers free of charge.

(3) The Authority shall ensure that the services are maintained by the service providers to the highest practicable standard and that all service providers allocate priority and sufficient quality of capacity on their networks to ensure the expedient transmission of emergency calls to appropriate services.

[The next page is 754,001]

109 Duties and liabilities of staff

(1) Any staff of the Authority shall not be personally liable for any act or omission done or made in his or her capacity as staff of the Authority in good faith and in the exercise of reasonable care and diligence in the course of the operations of the Authority.

(2) In respect of any liability incurred in connection with any act or omission under subsection (1), the staff member shall be indemnified by the Authority.

110 Liability of the Authority

(1) No action, suit or proceedings for any act or omission or the exercise of any function, power or duty under this Act, shall be brought or maintained against:

(a) a person who has been or is a member of the Authority where such person has been or is acting in good faith; and

(b) a person who has been or is acting under the directions of the Authority under this Act where such person has acted in good faith.

(2) Subject to subsection (1), any claims made by or against the Authority are to be made under the *Republic Proceedings Act 1972*.

111 Offence by corporation

Where a corporation commits an offence under this Act, a person who at the time of the commission of the offence was a director, chief executive officer, manager, secretary, or other similar officer of the corporation or was purporting to act in any such capacity or was in any manner or to any extent responsible for the management of any of the affairs of the corporation or was assisting in such management:

(a) may be charged jointly or severally in the same proceedings with the corporation; and

(b) if the corporation is found guilty of the offence, shall be deemed to be guilty of that offence unless, having regard to the nature of the person's function in that capacity and to all circumstances, the person proves:

(i) that the offence was committed without the person's knowledge, consent or connivance; and

(ii) that the person had taken all reasonable precautions and exercised due diligence to prevent the commission of the offence.

112 Liability for acts of employees and agents

Where a person would be liable under this Act to any punishment or penalty for an act, omission, neglect or default, that person shall be liable to the same punishment or penalty for every such act, omission, neglect or default of any employee or agent of the person, or of the employee of the agent, if the act, omission, neglect or default was committed:

(a) by that person's employee in the course of the employee's employment;

(b) by the agent when acting on behalf of that person; or

(c) by the employee of the agent in the course of the employee's employment by the agent or otherwise on behalf of the agent acting on behalf of that person,

unless, having regard to the nature of the person's function in that capacity and to all circumstances, the person proves:

(i) that the offence was committed without the person's knowledge, consent or connivance; and

(ii) that he or she had taken all reasonable precautions and exercised due diligence to prevent the commission of the offence.

113 Damage to communication facility

(1) A person, other than a service provider in respect of its own communication equipment, facility or property, by misconduct or negligence causes any damage or destroys any communication equipment or facility or property relating to communication services shall upon conviction be liable to a fine not exceeding $10,000 or to a term of imprisonment not exceeding 2 years or to both.

(2) Where damage is caused to any communication facility, equipment or property by any motor vehicle or motor bike or by anything loaded onto any motor vehicle, the driver or person in charge of any such motor vehicle shall be:

(a) *prima facie* deemed to be guilty of an offence under this Section without the proof of negligence or misconduct but such person is entitled to rebut such presumption; and

(b) liable to a fine not exceeding $10,000 or to a term of imprisonment not exceeding 2 years or to both.

(3) A person causing damage to any communication facility, equipment or property shall be liable to make good the damage in the amount to be determined by a court of competent jurisdiction even though the person may have been imprisoned or fined or both.

114 Regulations

The Cabinet may make regulations prescribing all matters necessary or convenient to be prescribed for carrying out or giving effect to this Act.

[The next page is 754,201]

115 Repeal of Telecommunications and Regulatory Affairs Act 2017

The *Telecommunications and Regulatory Affairs Act 2017* is repealed by the provisions of this Act.

116 Saving of Wireless Telegraphy Regulations 1976 and existing licences

(1) Until regulations are made under this Act to provide for matters relating to telecommunications, the *Wireless Telegraphy Regulations 1976* made under the *Wireless Telegraphy Act 1974* and in force before the commencement of this Act shall apply, as nearly as may be, as if made under this Act.

(2) A reference in the *Wireless Telegraphy Regulations 1976* to '***wireless communication***' or '***wireless telegraphy***' shall be read as a reference to telecommunications under this Act.

(3) All licences granted under the *Telecommunications Act 2002* or the *Wireless Telegraphy Regulations 1976* which were valid and in force immediately before the commencement of this Act shall continue, on that coming into operation, to have full force and effect until the expiry of the current period for which they were granted or made or until they sooner expire or are revoked according to law.

117 Savings and transitional provisions

(1) Despite the repeal of the *Telecommunications and Regulatory Affairs Act 2017* and the *Telecommunications Act 2002*, all appointments, licences, permits and decisions made under those Acts *mutatis mutandis* remain in force.

(2) Any proceedings instituted or action begun under the repealed Acts before the commencement of this Act which has not been determined before the commencement of this Act continues until determined under the repealed Acts.

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Communications and Broadcasting (Radio Spectrum Management) Regulations 2024

TABLE OF AMENDMENTS

The Communications and Broadcasting (Radio Spectrum Management) Regulations 2024 SL 17 were notified and commenced on 9 May 2024 (GN No 606/2024; Gaz 229/2024), as amended by:

Amending Legislation	Notified	Date of Commencement
Fisheries Management Act 2024 No 9	20 August 2024	s 138: 20 August 2024
Vessel Registration Act 2024 No 3	28 January 2025	s 86(5): 28 January 2025
Constitution (Amendment) (No 2) Act 2026 No 21	12 May 2026	s 5: 12 May 2026

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The Cabinet makes the following Regulations under Section 144 of the *Communications and Broadcasting Act 2018*:

PART 1 — PRELIMINARY

1 Citation

These Regulations may be cited as the *Communications and Broadcasting (Radio Spectrum Management) Regulations 2024*.

2 Commencement

These Regulations commence on the date they are notified in the Gazette.

3 Definitions

In these Regulations:

'accounting authority' has the meaning provided for by the ITU under the ITU-T Recommendation D.90 as referred to under the Radio Regulations;

'administration' means a body of another jurisdiction authorised to regulate radiocommunication;

'administrative method' includes administrative incentive pricing (AIP) and using formulas to recover the Authority's cost of radio spectrum management;

'AIS' means Automatic Identification System that is provided for by the ITU under Recommendations ITU-R M.493 and ITU-R M.1371;

'allocation' means an entry in the National Table of a specified radio frequency band for the purpose of its use by one or more terrestrial or space radiocommunication services of the radio astronomy service under conditions specified by the ITU;

'amateur service' includes a radiocommunication service for the purpose of self-training, intercommunication and technical investigations carried out by amateurs, that is, by duly authorised persons interested in radio technique solely with a personal aim and without pecuniary interest;

'amateur station' means a station used to provide amateur service;

'applicant' means a person who applies for a licence under these Regulations;

'assignment' means the authorisation given by the Authority to any person to use a radio frequency band or spectrum block under a radio spectrum licence, including its terms and conditions;

'bandwidth' means the difference in KHz or MHz between the uppermost and lowermost assigned frequencies of a band of a transmitter's electromagnetic emission;

'broadcasting' means a transmission service in which transmissions whether radio transmission, television transmission or other transmission, are intended for direct reception by the public;

'citizen-band walkie talkies' means a private, two-way, limited coverage speech communication station or service in the land mobile service to personal and business operations, which may also be used as a radio paging system;

'Civil Aviation Authority' means the Authority established under Section 11 of the *Civil Aviation Act 2011*;

'coast station' means a land station in the maritime mobile service;

'earth station' means a station located either on the earth's surface and intended for communications with one or more stations of the same kind by means of one or more reflecting satellites or other objects in space;

'essential services' includes the Naoero Police Force or National Emergency Services Department;

[def am Act 21 of 2026 s 5, opn 12 May 2026]

'European Telecommunications Standards Institute' means the organisation established in 1988 by the European Conference of Postal and Telecommunication Administrations;

'fixed satellite communication service' means an earth-bound system in the fixed satellite service;

'footnotes' include notes providing additional context and guidelines for using certain frequency ranges, whether in the National Table, Plan or the Radio Regulations;

'foreign competent authority' means a body of another jurisdiction authorised to regulate radiocommunication;

'free-to-air' or ***'FTA'*** means radio and television communication services that broadcast in unencrypted form, allowing any person with the appropriate receiving equipment to receive the signal and view or listen to the content without requiring a subscription fee, other ongoing cost, or one-off fee such as pay-per-view and includes undertaking this on terrestrial radio signals and received with an antenna;

'geostationary satellite orbit' means a geosynchronous satellite that occupies an orbital position 36,000 km above the earth and remains in a stationary position relative to the earth itself;

'harmful interference' means radiation or induction which:

(a) endangers the functioning of a radio-navigation service or of a safety service;
(b) obstructs or repeatedly interrupts a licenced radiocommunication service; or
(c) any other form of hazard caused to radiocommunication;

'ICNIRP' means the International Commission on Non-Ionizing Radio Protection which is an association registered in Munich, Germany, as a non-profit organization with a scientific mission and provides scientific advice and guidance on the health and environmental effects of non-ionizing radiation to protect people and the environment from detrimental non-ionizing radiation exposure;

'Industrial, Scientific and Medical (ISM)' means applications of radio frequency energy, operation of equipment or appliances designed to generate

and use locally radio frequency energy for industrial, scientific, medical, domestic or similar purposes, excluding applications in the field of telecommunications;

'International Electrotechnical Commission' means a non-profit organisation founded in 1906, in England;

'Institute of Electrical and Electronics Engineers' means a legal body established in 1963 in the United States of America;

'ITU' means the International Telecommunication Union established under the Constitution of the International Telecommunications Union, signed on 22 December, 1992, as amended by subsequent ITU Plenipotentiary Conferences;

'ITU Convention' means the Convention of International Telecommunications Union signed on 22 December, 1992, as amended by subsequent ITU Plenipotentiary Conferences;

'land mobile service' means a mobile radiocommunication service between base stations and land mobile stations or between land mobile stations;

'law enforcement body' includes the Naoero Police Force or any other body that is statutorily mandated to enforce any written law;

[def am Act 21 of 2026 s 5, opn 12 May 2026]

'licence' means a radio spectrum licence the type of which is either a radio spectrum network licence or radio spectrum station licence issued under these Regulations;

'localised private radio network' means a private network that provides radio coverage of a confined or restricted area as specified by the Authority and that comprises at least one or more base stations, operating generally at an effective radiated power (e.r.p) of not more than 5 Watts and Portables or mobile stations operating generally at an effective radiated power (e.r.p) of not more than 1 Watt;

'localised radiocommunication station' means a station that can only be used for radiocommunication, with a base station or with another radio station within a defined transmit power limits specified by the Authority;

'maritime mobile service' means maritime mobile radiocommunication service, that is a mobile service between coast stations and ship stations, between ship stations or between associated onboard communication stations and in which all such maritime stations may participate in this service on designated distress and emergency frequencies;

'maritime radio station' means a radio station located on board a vessel which operates in the marine radio frequency bands of ITU;

'market-based method' includes auction, tender process or radio frequency spectrum trading;

'MMIS' means Maritime Mobile Service Identity that is provided for under the Radio Regulations;

'mobile earth station' means an earth station in the mobile-satellite service intended to be used while in motion or during halts at unspecified points;

'mobile-satellite service' means a radiocommunication service between mobile earth stations and one or more space stations or between space stations used by this service;

'National Table' or ***'National Table for Radio Frequency Band Allocation Plan'*** means the table published under Regulation 8;

'NFMRA' means the Naoero Fisheries and Marine Resources Authority established under the *Naoero Fisheries and Marine Resources Authority Act 1997*;

[def am Act 21 of 2026 s 5, opn 12 May 2026]

'non-geostationary satellite orbit' means a satellite that occupies a range of orbital positions and does not maintain a stationary position, but instead moves in relation to the Earth's surface such including:

(a) Low Earth Orbit satellites which are located between 700km to 1,500km from the earth; or
(b) Medium Earth Orbit satellites which are located at 10,000km from the earth;

'Naoero Customs Service' means the office established under the Section 4(1) of the *Customs Act 2014*;

[def am Act 21 of 2026 s 5, opn 12 May 2026]

'Plan' or ***'National Radio Spectrum Plan'*** means the Plan prepared and published under Regulation 7;

'port station' includes a coast station providing radiocommunication operation services for a port or maritime mobile service;

'portable satellite communication terminal' means a terminal which is transferred to various fixed locations but is not intended to be used while in motion;

'private mobile radio network' means a network which:

(a) exists to meet the exclusive internal radiocommunication needs of the licencee; or
(b) has a number of common interest groups of subscribers or users and radio channels as the Authority may specify;

'public mobile radio network' means any public network that enables radiocommunications through the use of portable or mobile stations and may include any of the following communication systems licensed under Section 34 of the Act:

(a) a public cellular mobile telephone system which is defined as land mobile systems for public correspondence via radio stations connected to the public switched telephone network (PSTN);
(b) a public radio paging system;
(c) a public mobile data system;
(d) a public trunked radio system; or
(e) a public satellite mobile telephone or data system;

'public mobile service' includes the operation of mobile communications systems such as base stations, radio network controllers or mobile switching centers, required to offer public cellular telephony, trunked radio or mobile data services;

'public network' means a network which is accessible to any member of the public generally and which is used or intended to be used to provide telecommunication services by means of radiocommunication to the general public;

'radiocommunication' means communications or broadcasting by means of the radio spectrum;

'radiocommunication equipment' means any type of equipment used to provide a radiocommunication service other than a domestic radio broadcasting receiver or domestic television broadcasting receiver;

'radiocommunication network' means the system by which a radiocommunication service is provided;

'radiocommunication service' means radiocommunication services referred to under Regulation 5;

'radiocommunication station' means:
(a) a transmitter;
(b) a receiver other than a domestic radio broadcasting receiver and or a domestic television broadcasting receiver; or
(c) a combination of transmitters and receivers or any accessory which is used or intended to be used for radiocommunications;

'radiodetermination' means the determination of the position, velocity or other characteristics of an object, or the obtaining of information relating to these parameters, by means of the propagation properties of radio waves;

'radio direction-finding' means radiodetermination service using the reception of radio waves for the purpose of determining the direction of a station or object;

'radio frequency band' means a frequency band provided for under the Radio Regulations;

'radiolocation' means the radiodetermination service used for purposes other than those of radionavigation;

'radionavigation' means radiodetermination service used for the purposes of navigation, including obstruction warning;

'Radio Regulations' means the Radio Regulations annexed to the ITU Convention;

'radio spectrum' means the portion of the electromagnetic spectrum used as a transmission medium for radiocommunications;

'radio spectrum licence' means a radio spectrum network licence or radio spectrum station licence;

'radio spectrum network licence' includes:
(a) wide-area private network licence;
(b) public mobile radio network licence;
(c) private mobile radio network licence;
(d) fixed terrestrial links or fixed wireless systems licence;
(e) satellite earth station network licence;
(f) localised private radio network licence;
(g) maritime coast radio station licence; or
(h) any other licence as the Authority may specify;

'radio spectrum right' means the right a person acquires under a radio spectrum licence to use an assigned radio frequency band or spectrum block;

'radio spectrum station licence' includes:
(a) ship station licence;
(b) aircraft station licence;
(c) amateur station licence;
(d) experimental station licence;
(e) radio broadcasting station licence;
(f) television broadcasting station licence;
(g) test, field, trial and demonstration station licence;
(h) special purpose station licence;
(i) localised radiocommunication station licence;
(j) satellite spectrum station licence;
(k) aeronautical station licence;
(l) radiolocation or radiodetermination station licence; or
(m) any other licence as the Authority may specify;

'Region 3' means Region 3 specified under Article 5, Section I, No 5.5 of the Radio Regulations;

'satellite earth station' means a type of radio equipment used to communicate with a space station satellite from the earth's surface which can provide telephony, data, backhaul, broadcast feeder links and two-way communication or consume broadband or corporate type communications;

'satellite services' means communications capabilities that utilise an on-orbit satellite for transmitting the signal from one location to another to provide communication links between various points on earth;

'ship' includes a lifeboat or ship registered, licenced or authorised under the *Vessel Registration Act 2024* or *Fisheries Management Act 2024*;

[def am Act 9 of 2024 s 138, opn 20 Aug 2024; Act 3 of 2025 s 86(5), opn 28 Jan 2025]

'ship station' means a mobile station in the maritime mobile service that has been erected on board a vessel other than a lifeboat and that is not moored permanently;

'station' means a transmitter, a receiver, a combination of transmitters and receivers or any accessory which is used or intended to be used for radiocommunications;

'subscription broadcasting service' includes cable broadcasting and multi-channel satellite distribution services from foreign countries that are offered through subscription;

'spectrum block' means a block provided for by the ITU under Recommendation ITU-R F.2006;

'sub-band' means a sub-band provided for by the ITU under Recommendation ITU-R F.2006;

'type acceptance' means the process of evaluating radiocommunication equipment that has been type approved by a recognised foreign national regulatory authority, with a view to ensure conformity of such equipment to the foreign national standards;

'type approval' means a method of checking the compatibility of radiocommunications equipment with any operating communication network and the conformance of such equipment to national standards;

'user' means any person or body of persons who uses or operates radiocommunications services;

'very small aperture terminal' or ***'VSAT'*** means an earthbound system used in satellite communications of data, voice and video signals, excluding satellite broadcasting television;

'wide-area private network' means a private network that provides radio coverage of a wide area as specified by the Authority and that comprises one or more stations operating generally at an effective radiated power (e r p) of more than 5 watts; and

'World Radiocommunication Conference' means the ITU World Radiocommunication Conferences held in accordance with the Constitution of the ITU, which are held every 3 to 4 years to review and as necessary, revise the Radio Regulations, the international treaty governing the use of the radio frequency spectrum and the geostationary-satellite and non-geostationary-satellite orbits.

4 Objectives

The objectives of these Regulations are to facilitate the orderly and efficient management of the radio spectrum by:

establishing a framework through which the Authority may plan, allocate and assign radio spectrum bands or spectrum blocks;

establishing standard terms and conditions applicable to a licence;

establishing transparent, fair and efficient procedures for the application, consideration and issuing of licences;

providing dispute resolution mechanisms with regard to harmful interference;

monitoring matters relating to geostationary satellite orbit and non-geostationary satellite orbit; and

prescribing fees for radio spectrum licences and related matters.

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PART 2 — RADIOCOMMUNICATION SERVICES

5 Radiocommunication Services

(1) The types of radiocommunication services shall be as prescribed under Article 1, Section III of the Radio Regulations.

(2) A person shall hold a valid radio spectrum licence issued by the Authority in order to:

(a) possess, establish, install or use any radiocommunication equipment or radiocommunication station; or

(b) provide a radiocommunication service in the Republic including on board a vehicle, ship or aircraft.

(3) A person commits an offence who undertakes any activity in subregulation (2)(a) or (b) without the relevant radio spectrum licence.

6 Public mobile services

A radio spectrum licence to provide a public mobile service may only be issued to a network or service provider.

[The next page is 760,801]

PART 3 — RADIO SPECTRUM PLANNING

7 National Radio Spectrum Plan

(1) For the purpose of Section 42(2)(a), the Authority shall publish in the Gazette, a National Radio Spectrum Plan.

(2) The Plan shall be updated, in accordance with resolutions passed at the World Radiocommunication Conference.

(3) The Plan may provide information the Authority considers appropriate, including subdividing the radio spectrum into radio frequency bands and allocating each of such bands to a general purpose for which it may be used in the Republic.

(4) The Plan shall conform with the provisions of the Radio Regulations applying to Region 3.

(5) The Authority may amend the Plan, but the Authority shall undertake a public consultation process prior to making any amendment.

8 National Table for Radio Frequency Allocation Plan

(1) The Authority shall publish a National Table for Radio Frequency Band Allocation Plan relating to one or more radio frequency bands in such form as it considers appropriate.

(2) The National Table may divide radio frequency bands into sub-bands, spectrum blocks or channels and allocating each of such to a more specific purpose and condition for which it may be used.

(3) The National Table shall provide:
- (a) the ITU allocations for each radio spectrum band;
- (b) the types of services to be provided in the Republic;
- (c) the national allocations for each radio spectrum band;
- (d) the national and international footnotes if applicable; and
- (e) such other matters as deemed relevant by the Authority.

(4) The National Table shall:
- (a) conform with the provisions of the Radio Regulations applying to Region 3; and
- (b) have regard to any agreement, treaty or convention between the Republic and any other country.

(5) The allocation of radio frequency bands under the National Table shall be consistent with the radio frequency bands specified in the Plan.

(6) The National Table shall be made available to the public.

(7) The allocation of a radio frequency band or spectrum block, shall apply to its use in any part of the Republic including on board a ship, aircraft, space object that is registered under a relevant written law, setting satellite orbital positions and parameters for satellites registered or licenced under the relevant written law.

(8) The Authority may review the National Table after any ITU World Radiocommunication Conference.

[The next page is 761,001]

PART 4 — LICENCING FRAMEWORK

DIVISION 1 — GENERAL PROVISIONS

9 Authority may issue radio spectrum licence

(1) The Authority may issue radio spectrum licences that meet the requirements of these Regulations.

(2) The Authority shall categorise the type of radio spectrum licence that is capable of being used by shared or exclusive basis.

(3) The Authority may issue other radio spectrum licences not prescribed in these Regulations where the Authority considers it necessary.

(4) The radio spectrum licences issued by the Authority are subject to the exemptions under Division 4.

10 Authority to determine application and approval process

The Authority shall establish the process and approve forms used in such process, for the management of:

(a) application requirements for radio spectrum licences;
(b) criteria for consideration of applications;
(c) terms and conditions to be imposed on radio spectrum licences;
(d) notification of applicants; and
(e) issuing of radio spectrum licences.

11 Authority to approve forms for use in application and approval process

The Authority shall approve forms to supplement the process established under Regulation 10.

12 Issuing of radio spectrum licences to be consistent with the Plan and National Table

Where the Authority issues a radio spectrum licence, the Authority shall ensure that the radio frequency bands, spectrum blocks and channels associated with such licence are consistent with the Plan and National Table.

13 Issuance of radio spectrum licence subject to Regulation 67

A radio spectrum licence shall not be issued if an applicant has not been issued with a Type Approval Certificate under Regulation 67.

14 Criteria for considering whether to issue a radio spectrum licence

In addition to the process established under Regulation 10(b), the Authority shall in considering whether to issue a radio spectrum licence, give regard to the following:

(a) the applicant shall be a natural person, corporation incorporated under the relevant written laws, instrumentality or a Government department or office;
(b) the existing demand on any radiocommunication equipment or radio spectrum the applicant is applying to use;
(c) the public interest in achieving maximum benefit from the radio spectrum;
(d) whether the proposed radiocommunication service may be provided by other means;
(e) the protection of radiocommunication of essential services from harmful interference;
(f) the applicant shall have no outstanding fees or other charges owed to the Authority;
(g) the applicant shall comply with all written laws of the Republic; and
(h) the applicant has not held any licence issued by the Authority, revoked in the previous 3 years by the Authority.

15 Application requirements for obtaining radio spectrum licence

In addition to the process established under Regulation 10(a):
(a) where an application form is incomplete, the authority may seek further information from the applicant or where deemed necessary, for the applicant to re-submit the application;
(b) where an application form is complete, the Authority may at any time after the filing of the application request further information from the applicant;
(c) a decision relating to an application shall be made by the Authority within 20 working days of receiving such application; and
(d) an aggrieved person may at any time prior to the issuance of a radio spectrum licence, file with the Authority an objection to reject the issuance of such licence.

16 Authority to address objections made

The Authority in addressing objections made under these Regulations shall establish the process and approve forms used in such process for the management of:
(a) objections received against the issuance of radio spectrum licences; and
(b) notification of persons involved in the process.

DIVISION 2 — TYPES OF RADIO SPECTRUM LICENCES

17 Radio spectrum network licences

(1) The Authority may issue radio spectrum network licences as follows:
(a) wide-area private network licence;
(b) public mobile radio network licence;
(c) private mobile radio network licence;
(d) fixed terrestrial links or fixed wireless systems (FWS) network licence;
(e) localised private radio network licence;
(f) satellite earth station network (ESN) licence; or
(g) any other spectrum network licence that the Authority may specify.
(2) The Authority may, in respect of any radio spectrum network licence specify the type of radiocommunication equipment that the licencee is

authorised to use and if applicable, the type of equipment to be comprised in the radio spectrum network licence.

(3) Other than with the approval of the Authority, a radio spectrum network licence, shall not be modified in respect of any of the particulars of the licence, including the:
(a) radiocommunication equipment authorised or comprised in the licence;
(b) operating radio frequency bands or spectrum blocks; and
(c) location at which the network is installed.

(4) A radio spectrum station licence shall only be issued in respect of a station that meets all technical standards and any other requirements which the Authority may determine.

(5) The duration of a radio spectrum licence shall be 12 months unless otherwise specified in the respective licence.

(6) The requirements for the renewal, transfer, amendment, variation, suspension or cancellation of a licence is provided for under Division 5.

18 Radio spectrum station licences

(1) The Authority may issue radio spectrum station licences as follows:
(a) ship station licence;
(b) aircraft station licence;
(c) amateur station licence;
(d) experimental station licence;
(e) radio broadcasting station licence;
(f) television broadcasting station licence;
(g) test, field trial and demonstration station licence;
(h) special purpose station licence;
(i) localised radiocommunication station licence;
(j) satellite station licence; or
(k) any other radio spectrum station licence that the Authority may specify.

(2) The Authority may, in respect of any radio spectrum station licence specify the type of radiocommunication equipment, that the licencee is authorised to use and if applicable, the type of equipment to be comprised in the radio spectrum station licence.

(3) Except with the approval of the Authority, a radio spectrum station licence, shall not be modified in respect of any of the particulars of the licence, including the:
(a) radiocommunication equipment authorised or comprised in the licence;
(b) operating radio frequency bands or spectrum blocks; and
(c) location at which the network is installed.

(4) A radio spectrum station licence shall only be issued in respect of a station that meets all technical standards and any other requirements which the Authority may determine.

(5) The requirements for the renewal, transfer, amendment, variation, suspension or cancellation of a licence is provided for under Division 5.

19 Wide-area private network licence

(1) The Authority may issue a wide-area private network licence in accordance with Division 1 that comprises one or more stations operating generally at an effective radiated power of not more than 5 watts.

(2) The Authority may refuse to issue a wide-area private network licence if it is satisfied that:
  (a) the applicant did not meet the minimum channel loading criteria set by the Authority for the network; or
  (b) the radiocommunication service that is or is intended to be, provided by or through the network is adequately provided for by or through a public communication network or by any other means.

(3) The fees payable for a wide-area private network licence are provided for under Schedule 1, Land Mobile Service, No 3.

20 Public mobile radio network licence

(1) The Authority may issue a public mobile radio network licence in accordance with Division 1, for the licencee to provide radiocommunication services to the general public through the use of portable or mobile stations and may include any of the following communication systems:
  (a) public mobile cellular telephone system;
  (b) public radio paging system;
  (c) public mobile data system;
  (d) public trunked radio system; or
  (e) public satellite mobile telephone or data system.

(2) The fees payable for a public mobile radio network licence are provided for under Schedule 1, Land Mobile Service, No 5.

21 Private mobile radio network licence

(1) The Authority may issue a private mobile network licence in accordance with Division 1, to be used by corporations, the Government and other organisations.

(2) The private mobile network licence shall be for radio coverage of a confined area authorised by the Authority, that comprises at least one or more base stations operating generally, at an effective radiated power (e.r.p) of not more than 5 Watts and Portables or mobile stations operating generally at an effective radiated power (e.r.p) of not more than 2 Watts.

(3) The Authority may determine other conditions applicable to the private mobile network licence for a:
  (a) single frequency operation within the private mobile network; or
  (b) two frequencies operation within the private mobile network.

(4) The fees payable for a private mobile network licence are provided for under Schedule 1, Land Mobile Service, No 1.

22 Fixed terrestrial links or fixed wireless systems (FWS) network licence

(1) The Authority may issue a fixed terrestrial links or fixed wireless systems (FWS) licence in accordance with Division 1.

(2) The fixed terrestrial links or fixed wireless systems (FWS) licence may be further categorised in the following licences:
  (a) Point-to-Point radio links licence; and
  (b) Point-to-Multipoint radio links licence.

(3) A licence issued under subregulation (1), shall be for the licencee to install, maintain and operate radiocommunication equipment forming part of a fixed wireless system network.

(4) The holder of a licence under subregulation (1) shall:
  (a) take steps to minimise harmful interference; and
  (b) cooperate with other licencees operating in adjacent radio frequency bands or spectrum blocks to establish mutually agreed coordination processes to avoid harmful interference.

(5) The holder of a licence under subregulation (1) shall operate within a maximum permitted radius from the centre point, being the geographic location of the base station, as determined by the Authority.

(6) The fees payable for licences issued under subregulation (1) are provided for under Schedule 1, Fixed Terrestrial Systems or Fixed Wireless Systems, No 1 to No 5 respectively.

23 Localised private radio network licence

(1) The Authority may issue a localised private radio network licence in accordance with Division 1, that:
  (a) provides radio coverage of a confined or restricted area as determined by the Authority; and
  (b) comprises of:
    (i) at least one or more base stations operating generally at an effective radiated power (e.r.p) of not more than 5 Watts and Portables: or
    (ii) mobile stations operating generally at an effective radiated power (e.r.p) of not more than 1 Watt.

(2) The issuance of a localised private radio network licence shall not authorise the licencee to provide directly or indirectly, any communication service to the general public.

(3) The Authority may refuse to issue a localised private network licence if it is satisfied that the:
  (a) applicant cannot meet the minimum channel loading criteria set by the Authority for the network; or
  (b) the radiocommunication service intended to be provided by or through the network, may be adequately provided by or through a public communication network or by any other means.

(4) The fee payable for a licence issued under subregulation (1) are provided for under Schedule 1, Land Mobile Service, No 2.

24 Ship station licence

(1) A ship station licence may be issued by the Authority in accordance with Division 1, where the ship:
  (a) on which the radio station is to be carried has a valid internationally recognised Safety Radio Certificate;
  (b) station is operated by an appropriate number and category of radio operators holding valid internationally recognised Certificates of Competency for Ship Station Radio Operators recognised by the Authority;
  (c) has an accounting authority acceptable to the Authority; and

(d) complies with such other requirements as may be determined by the Authority.

(2) Subsection (1)(a) shall not apply where the vessel is used solely or principally for pleasure purposes.

(3) The Authority may issue a temporary ship station licence valid for a period and subject to conditions determined by the Authority, to a person who is unable to furnish all the information as required in the application form upon:
(a) payment of the prescribed fee; and
(b) satisfying such other requirements as may be determined by the Authority.

(4) A ship station licence shall only be issued in respect of a ship.

(5) A ship station licencee shall:
(a) at all times have on board the ship, all necessary documents determined by the Authority or required under the Radio Regulations for the efficient operation of the station carried on board the ship; and
(b) comply with the working procedures set out in the Radio Regulations and such other requirements as the Authority may determine.

(6) A radio station on board any ship in the internal waters of the Republic shall be operated in such manner as not to impair or interfere with:
(a) any communication of a law enforcement body in the Republic; or
(b) the efficient and convenient working of any other station or network, or telecommunication system or service in the Republic authorised by the Authority.

(7) A radio station on board any ship shall not be used if the crew knows or when the crew is informed by the Authority, that the working of the station causes harmful interference.

(8) A radio station on board a ship, whether licenced by the Authority or by a foreign competent authority, may be used while the ship is within the territorial sea of the Republic for the purposes of:
(a) safety of navigation, protection of life or property or for any other purposes as authorised by the Authority; and
(b) the ship station observing the provision of disaster relief radiocommunications at any time.

(9) The fees payable for a licence issued under subregulation (1) are provided for under Schedule 1, Maritime Mobile Service, No 6.

25 Maritime coast radio station licence

(1) The Authority may issue a maritime coast radio station licence in accordance with Division 1.

(2) A maritime coast radio station licence shall be used by stations that provide radiocommunications associated with business operations from a fixed land base station in a coastal area to its associated maritime radio stations.

(3) The maritime coast radio station licencee shall use the Call Sign and name of the coast station for identification purposes in radiocommunications.

(4) The base stations and mobile stations shall be called and identified by their authorised Call Signs.

(5) The maritime coast radio station licence shall include the authorisation for the handheld VHF radios which may be used within the communication of the coast station.

(6) Subject to subregulation (7), a licencee shall ensure that the equipment is only used by persons authorised by the licencee.

(7) In the event of an emergency involving the safety of a person, the equipment may be used by any person.

(8) Land-to-land communications shall not be permitted unless in an emergency involving the safety of a person, any other disaster relief communications or health and welfare messages directly connected with the emergency.

(9) The relevant fees payable for a licence issued under subregulation (1) and any other relevant licence as may be determined by the Authority are set out under Schedule 1, Maritime Mobile Services No 1 to No 5.

26 Maritime portable or mobile station licence

(1) The Authority may issue a maritime portable or mobile station licence, in accordance with Division 1.

(2) A person shall apply to the Authority for a maritime portable or mobile station licence for use of handheld VHF radio transceivers which are not designed to be permanently installed on a vessel and may be used on any vessel other than ships subject to being issued with a licence under Regulation 24.

(3) The licencee shall ensure that the handheld VHF radio transceivers equipment is only used by persons authorised by the licencee.

(4) The handheld VHF radio transceivers equipment may be used by any person in the event of a disaster relief operation to prevent loss of life, to render assistance, to call for assistance or convey health and welfare messages directly connected with the emergency.

(5) The handheld VHF radio transceivers shall not be used on land, other than at licenced maritime coast radio stations.

(6) The call sign of the maritime portable or mobile station shall be used for identification purposes in radiocommunications.

(7) A licencee using handheld VHF radio transceivers for a fishing vessel registered by the NFMRA, may use such handheld VHF radio transceivers outside of the territorial waters of the Republic and shall, carry high frequency marine radio for ship to shore communications and high frequency radio telephones for distress, urgency and safety communications.

(8) A licencee using handheld VHF radio transceivers for a pleasure boat, shall only use such handheld VHF radio transceivers within the territorial waters of the Republic, for ship to shore communications and VHF radio telephones for distress, urgency and safety communications.

(9) The relevant fees payable for licences issued under subregulation (1) and any other relevant licence as may be determined by the Authority are set out under Schedule 1, Maritime Mobile Services No 1 to No 5.

27 Aircraft station licence

(1) The Authority may issue an aircraft station licence, in accordance with Division 1.

(2) An aircraft station licence shall only be issued in respect of a station on a commercial or privately-owned aircraft registered under the relevant written laws.

(3) All radiocommunication equipment comprised in a station on board any aircraft shall be approved by the Civil Aviation Authority and a certificate to this effect shall accompany the application for an aircraft station licence.

(4) An aircraft station licencee shall observe the provisions of the Radio Regulations and any other local or international rules and regulations applicable to radio stations on board an aircraft.

(5) An aircraft station licencee shall observe the provisions of disaster relief radiocommunications at all times.

(6) No radio station fitted in an aircraft shall be operated or used while such aircraft is at rest on land or within the internal waters of the Republic except:

(a) in times of emergency or distress;

(b) if communication is not available, in exceptional circumstances relating to air navigation and services with the nearest aeronautical station or if communication with such station is impracticable, with any other station;

(c) when carrying out experimental tests with the written approval of and subject to such conditions as may be determined by the Authority; or

(d) when carrying out functional tests on radio frequencies other than on international distress frequencies to determine the serviceability of the station.

(7) The fee payable for a licence issued under subregulation (1) is provided for under Schedule 1, Aeronautical Mobile Service No 1 and No 2.

28 Experimental station licence

(1) The Authority may in accordance with Division 1, issue an experimental station licence:

(a) to educational institutions, training establishments or qualified persons as the Authority may determine for the purpose of conducting research and development activities and related experiments in radiocommunication; or

(b) to network providers, service providers or importers of radiocommunication equipment for the purpose of:

(i) testing or conducting research or experiment;

(ii) conducting special events; or

(iii) advancing development in radiocommunication equipment.

(2) The Authority may determine the maximum transmit power of a station in respect of which an experimental station licence has been issued, having regard to the purpose for which the station has been authorised and the conditions under which it is to operate.

(3) A holder of a licence issued under this regulation shall submit a report to the Authority on the outcome of the activities undertaken under the licence, at the end of the licence period.

(4) The report shall detail, the findings, issues and problems identified and resolutions and benefits gained from the research and development activities.

(5) An experimental station licence shall expire 6 months after it is issued.

(6) The fee payable for a licence issued under this regulation shall be as determined by the Authority.

29 Radio or television broadcasting station licence

(1) The Authority may, in accordance with Division 1, issue a radio or television broadcasting licence to provide the following services:
- (a) public broadcasting;
- (b) commercial broadcasting; and
- (c) community broadcasting.

(2) A person shall apply to the Authority for a radio or television broadcasting station licence where the person:
- (a) broadcasts or offers a broadcasting service; or
- (b) distributes, delivers or enables the delivery of any foreign broadcasting service transmitted lawfully from outside the Republic, which is capable of reception by another person in the Republic.

(3) Any person who provides, promotes, supplies, supports, offers, delivers or enables the delivery of any broadcasting service in the Republic or who receives payment as consideration, for access to such broadcasting service, is deemed to be providing or offering the broadcasting service.

(4) In addition to obtaining a licence under subregulation (1), the applicant shall also obtain from the Authority another radio spectrum licence as determined by the Authority.

(5) The fee payable for a licence issued under subregulation (1) are provided for under Schedule 4.

30 Test, field trial and demonstration station licence

(1) The Authority may in accordance with Division 1, issue a test, field trial and demonstration licence for the conduct of tests, field trials or demonstrations of radiocommunication technologies or services.

(2) A licencee upon completion of the test, field trial or demonstration for which a licence is issued, shall submit a report to the Authority containing the:
- (a) findings;
- (b) issues, problems and their resolutions; and
- (c) benefits gained from the test, trial or demonstration.

(3) A test, field trial and demonstration licence shall not confer legal entitlement on the licencee to claim assigned spectrum blocks for commercial operations in the future.

(4) A test, field trial and demonstration of systems licence shall not be used to provide a service on a commercial basis for the general public.

(5) The fee payable for a test, field trial and demonstration station licence shall be determined by the Authority.

(6) A test, field trial and demonstration licence shall expire 6 months after it is issued.

31 Localised radiocommunication station licence

(1) The Authority may in accordance with Division 1, issue a localised radiocommunication station licence for the operation of the following radiocommunication equipment:
  (a) remote control devices;
  (b) local area paging devices;
  (c) wireless microphones;
  (d) transceivers or citizen-band radio walkie talkies;
  (e) wireless telemetry system;
  (f) alarm system;
  (g) wireless data or voice systems; or
  (h) any other radiocommunication equipment as may be authorised by the Authority.

(2) In issuing a licence under subregulation (1), the Authority may determine the transmitter power limit within which the equipment must be operated and such determination shall be a condition of the licence.

(3) The Authority may perform a wireless site survey involving completing propagation tests to determine the range of access points based on specific minimum signal levels, for the purposes of making a determination under subregulation (2).

(4) The radio frequency bands allocated under a licence issued under subregulation (1) may be shared by other users.

(5) Licencees operating on shared radio frequency bands shall accept any harmful interference that may result from the legitimate operation of stations, including the operation of industrial, scientific and medical equipment, functioning in the industrial, scientific and medical equipment radio frequency band.

(6) The Authority shall not be liable for any harmful interference arising from use by other users of radio frequency bands shared under subregulation (4).

(7) The fee payable for a licence issued under subregulation (1) is provided for under Schedule 1, Land Mobile Service, No 4.

32 Satellite spectrum station licence

(1) Subject to subregulation (8), the Authority may in accordance with Division 1, issue a satellite spectrum station licence to enable the licencee to:
  (a) transmit messages;
  (b) receive messages; or
  (c) transmit and receive messages,

  by means of satellite communication for such purposes as may be determined by the Authority.

(2) The types of satellite spectrum station licences shall be categorised as follows:
  (a) permanent earth stations (PES) links with one or more geostationary satellites;
  (b) transportable earth stations (TES);
  (c) earth station network (ESN);
  (d) non-geostationary earth stations (Non-GEO);

(e) non-fixed satellite earth stations (Non-FSS);
(f) receive-only earth stations (ROES);
(g) satellite news gathering station (SNG);
(h) mobile earth station in the mobile-satellite service;
(i) radiolocation or radiodetermination station;
(j) disaster recovery and relief station;
(k) portable satellite communication terminal licence;
(l) satellite user terminal licence to operate on broadband internet;
(m) television receive-only (TVRO) system;
(n) very small aperture terminals (VSAT); and
(o) any other satellite licence as specified by the Authority.

(3) A person applying for a type of satellite spectrum station licence for the provision of broadcasting or telecommunications services shall first obtain another relevant radio spectrum licence, as may be determined by the Authority.

(4) The following conditions apply to any type of satellite spectrum station licence:
(a) the licencee in undertaking operations, shall comply with the ITU Convention and Radio Regulations;
(b) the licencee shall seek the approval of the Authority for access to any space segment and shall comply with the relevant rules, regulations and procedures imposed by the Authority for satellite orbital positions, station access, booking and fees;
(c) the licencee may only use or work within the radio frequency bands approved by the ITU and the Authority for the operation of a satellite network station;
(d) the licencee shall not use radiocommunication equipment for which a licence has been issued under subregulation (1), to provide communication and broadcasting services to the public, other than with written approval of the Authority; and
(e) the licencee shall take appropriate measures such as installing filters in their receiver system to mitigate potential harmful interference from other services;

(5) The Authority may determine the types of satellite spectrum station licences for which radio frequency bands may be allocated for the operation of the:
(a) earth segment of the relevant radiocommunication service through:
(i) earth-transmit-uplinks; or
(ii) earth-receive-downlinks; or
(b) space segment of the relevant radiocommunication service through:
(i) space-transmit-uplink; or
(ii) space-receive-downlinks.

(6) The Authority shall ensure that a licence issued for the purposes of subregulation (5):
(a) paragraph (a), contains the record of the relevant earth station location and antenna information pertaining to such; and
(b) paragraph (b), contains the record of the relevant earth station location and information of the area of coverage.

(7) The Authority may undertake international coordination and registration procedures, in line with the Radio Regulations, particularly where there is a possibility of harmful interference to or from the terrestrial or satellite services of another administration.

(8) Where international coordination is undertaken under subregulation (7) and an agreement is necessary, the Authority shall not issue a licence until the necessary agreement is entered into with the relevant administration.

(9) The Authority shall adopt a regulatory process to ensure that appropriate measures are taken to protect the environment by:
 (a) imposing restrictions on antenna installations; or
 (b) permitting particular diameter antenna dishes and user terminals intended for residential use, to be erected.

(10) The fee payable for a licence issued under subregulation (1) is provided for under Schedule 1, Satellite spectrum station licence, No 1 to No 14.

33 Radiolocation or radiodetermination station licence

(1) The Authority may in accordance with Division 1, issue a radiolocation or radiodetermination station licence.

(2) A radiolocation or radiodetermination station licence is required to enable the establishment, installation and operation of maritime navigational aids and radar equipment at any fixed onshore or off-shore location in the Republic.

(3) The radiolocation or radiodetermination station licence authorises the operation of navigational aids such as differential global positioning system, radar, radio beacons, radar target enhancer, automatic identification system, or any other navigation aid equipment.

(4) The licencee shall ensure that the equipment used for a licence under this regulation, aids the navigation or location of any maritime ship station and only to send, receive or re-transmit a message or signal by automatic or non-automatic means in order to indicate to a ship station its position, velocity or any other matter relating to such activity, including obstruction warning.

(5) The licencee issued with a licence under subregulation (1) shall use MMIS for identification of transmission from the AIS equipment.

(6) The written authorisation of the Authority shall be obtained by the licencee to use AIS equipment for fishing net buoys or other non-safety marine applications.

(7) The licencee shall comply with the AIS Guidelines as may be determined by the Authority for fishing net buoys or other non-safety marine applications.

(8) The fee payable for a licence issued under subregulation (1) is provided for under Schedule 1, Satellite spectrum station licence, No 9.

34 Amateur station licence

(1) The Authority may in accordance with Division 1, issue an amateur station licence.

(2) A person shall not operate an amateur radio station without holding a valid amateur station licence.

(3) The Authority may issue the following classes of amateur station licences to qualified or approved persons to provide an amateur service:
 (a) general class;
 (b) premium class;
 (c) overseas licenced amateurs visiting the Republic; and

(d) any other class which the Authority considers appropriate.

(4) Subject to subregulation (5), a licencee shall use an amateur station licence solely for amateur services including radiocommunication with other licencees or leisure activities.

(5) A licencee may in the case of an emergency communicate with radio amateur stations or any other disaster relief stations to prevent loss of life, render assistance, call for assistance or convey health and welfare messages directly connected with the emergency.

(6) The relevant radiocommunication equipment shall only be used by the licencee personally or the licencee may allow the equipment to be operated by another licencee and such operation shall be done in the presence and under the direct supervision of the holder of the licence.

(7) A licence issued under subregulation (1) shall not be issued to a person below the age of 18 years.

(8) For identification purposes, the Authority shall issue a Call Sign to an Amateur Radio Station where amateur Call Signs are transmitted at the beginning, at the end and at least once during transmissions by the licencee using the same class of emission.

(9) The fee payable for a licence referred to in:

(a) subregulation (3)(a) to (c) is provided for under Schedule 1, Amateur Station Licence, No 1; and

(b) subregulation (3)(d) shall be determined by the Authority.

35 Special Purpose Station licence

(1) The Authority may issue a special purpose station licence for a special purpose and for such period as determined by the Authority.

(2) The issuing of a licence under subregulation (1) shall be in accordance with Division 1.

(3) A special purpose licence may only be issued where the Authority is satisfied that an emergency circumstance exists.

(4) The fee payable for a licence issued under subregulation (1) shall be determined by the Authority.

36 Temporary radio spectrum licences

(1) The Authority may in accordance with Division 1, issue a temporary radio spectrum licence for the following purposes for temporary events as the Authority may determine.

(2) Temporary radio spectrum licences shall not be issued:

(a) for use of a radio frequency band that has been assigned to another licencee; or

(b) where the Authority is satisfied that it will cause harmful interference to another licencee.

(3) Subject to subregulation (4) the duration of a licence issued under subregulation (1) shall not exceed 6 months and may be extended upon request for an additional 6 months.

(4) Where the Authority issues a licence for the testing of a novel business activity or technology, the duration of the temporary licence may be for a period of 12 months.

(5) The fees payable for a temporary licence are provided for under Schedule 1, Temporary or Special Purpose Licences, No 1 and Schedule 3.

37 Radio Spectrum licence for the Government

(1) For the purposes of Section 65 of the Act, the Authority may in accordance with Division 1, issue upon application, a radio spectrum licence to a department or instrumentality of the Government.

(2) Where a licence issued under subregulation (1) is for a type of radio spectrum licence used on a shared basis with a non-government licence holder, the Government licence holder may be required to coordinate its operations with the non-government licence holder.

(3) The department or instrumentality shall be subject to other conditions contained in the licence issued under subregulation (1).

DIVISION 3 — LICENCE CONDITIONS

38 General radio spectrum licence conditions

(1) A holder of a radio spectrum licence shall be bound by the following conditions:
  (a) the licence shall not confer any ownership rights of the assigned radio frequency on the licencee;
  (b) the licence shall not be transferred, assigned, pledged or otherwise disposed of without the written approval of the Authority;
  (c) the licencee shall comply with all written laws, ITU Convention and Radio Regulations;
  (d) the licence shall not confer on the licencee monopoly of the use of radio frequency band or spectrum blocks;
  (e) the licence shall not confer on the licencee right of continued tenure in respect of the relevant radio spectrum band or spectrum block; and
  (f) the licence is subject to the right of use or control by the Government during a declared state of emergency.

(2) A radio spectrum network licence authorises a licencee to use a specific radio frequency band or spectrum block to provide a radiocommunication service.

(3) A radio spectrum station licence authorises licencees to access a pool of radio frequency bands that have been designated by the ITU, where radio frequencies are used on shared basis and not specific to any radiocommunication equipment for its operation.

(4) The Authority may prescribe the minimum or maximum number of radiocommunication channels or spot radio frequencies which any licencee may be authorised to use under a licence.

39 Basic obligations of a licencee

(1) A licencee who has been assigned radio frequency bands for use shall:
  (a) maintain and provide, at the Authority's request, an inventory of the assigned radio frequency bands;
  (b) ensure the licence remains valid by regular payment of annual fees or any other associated fees prescribed by the Authority;

(c) put into use the assigned frequency within the period specified by the Authority;
(d) not intentionally operate equipment or a system at radio frequencies other than those allocated for use under a spectrum licence;
(e) use such measures as may be prescribed by the Authority to eliminate unauthorised emissions, harmful interference or illegal use of the radio spectrum;
(f) optimise the utilisation of radio spectrum resource prescribed by the Authority; and
(g) implement all the measures prescribed by the Authority.

(2) The Authority may, where it considers it necessary, pursuant to a public consultation process, require a licencee to transfer to a new radio frequency band:
(a) as specified in the National Table;
(b) to achieve harmonisation with the Radio Regulations; or
(c) to adapt to new technical requirements.

(3) A licencee shall not without written authorisation of the Authority, make:
(a) material change to a licenced station or network; or
(b) modify the technical parameters specified in the licence, without written approval of the Authority.

40 Maintain records of the radiocommunication equipment by a licencee

(1) The licencee shall maintain accurate records of technical parameters of the radiocommunication equipment in the form determined by the Authority.

(2) The licencee shall at the request of the Authority, make such records available for its inspection.

(3) The records shall include the following information:
(a) location of the radiocommunication equipment;
(b) the technical specifications of all radiocommunication equipment operating under the respective licence;
(c) antenna height, type, direction of radiation, maximum Effective Isotropic Radiated Power (EIRP) and polarization, emission and designation;
(d) the coverage area of the licencee's radiocommunication network;
(e) the measures taken to ensure that each radiocommunication equipment is not a source of harmful interference or radiation; and
(f) any information which the Authority may require to update the National Table and the Plan.

(4) The licencee shall ensure that the radiocommunication equipment is provided with an indication showing the manufacturer's trademark, make, model and serial number and such indication shall be:
(a) fitted on the outside of the radiocommunication equipment; and
(b) clearly readable, non-removable and indelible.

41 Conditions of grant of radio frequency bands

(1) Any assignment of radio frequency bands or spectrum blocks to a licencee:
(a) shall confer on the licencee the right to use such radio frequency bands or blocks; and

(b) shall not confer on the licencee any property right for such radio frequency bands or blocks.

(2) A right to use radio frequency band or spectrum blocks granted by the Authority by an assignment under a licence, shall be subject to conditions as the Authority imposes, including conditions:

(a) specifying the part or parts of the radio frequency band or spectrum blocks in which the operation of a station or network is authorised;

(b) specifying the type of station or network and type of radiocommunication equipment comprising the station or network, that the licencee is authorised to operate;

(c) specifying the periods during which operation of a station or network is authorised;

(d) specifying the maximum permitted level of radio emission, that may be caused by operation of a station or network under the licence;

(e) specifying the area within which operation of a station or network is authorised;

(f) specifying the maximum permitted level of radio emission, outside the area referred to in paragraph (e), that may be caused by the operation of the station or network;

(g) requiring the person granted the spectrum right to comply with the directions of the Authority concerning the use of the spectrum right;

(h) requiring the person issued a licence to comply with further directions of the Authority concerning operations under the licence; or

(i) as may be determined by the Authority.

42 Imposition of specific regulatory obligations on licencees granted exemptions under Regulation 45

(1) The Authority may impose conditions on licencees that have been granted exemptions under Regulation 45, for the use of radio frequency spectrum bands.

(2) The Authority may specify as a condition for a radio frequency spectrum licence that a user of radio frequency bands under such licence shall not:

(a) claim protection from harmful interference; or

(b) cause harmful interference to other licenced users in other radio frequency bands.

(3) A user or possessor of radiocommunication equipment which are exempt under Division 4 shall use the radiocommunication equipment subject to the following conditions:

(a) the equipment is type approved or type accepted by the Authority;

(b) the radio frequency band, channel, transmitting power and antenna gain of the radiocommunication equipment are not altered without a new type approval certificate being issued by the Authority under Regulation 67;

(c) the radio equipment is not used in excess of limits or do not exceed the technical parameters determined by the Authority with respect to the:

(i) radio frequency band;

(ii) maximum radiated power or field strength limits;

(iii) channel spacing

(iv) duty cycles; and

(v) antennas to be used;

(d) the height of the antenna of the system shall not be higher or above the average ground level of the lowest point of the place where the radiocommunication equipment operates;

(e) the radiocommunication equipment shall not cause harmful interference to any person issued with a radio spectrum licence by the Authority; and

(f) the user of the radiocommunication equipment under the relevant licence granted with exemptions operates on non-interference and zero protection basis from the harmful interference.

43 Authority may determine other conditions

The Authority may determine and apply any other condition to a licence issued under these Regulations.

44 Modification of terms and conditions

(1) Subject to these Regulations, the Authority may, review and modify any term and condition of a radio spectrum licence.

(2) The Authority shall, before making any modification under subregulation (1) give notice in writing to the licencee:

(a) specifying the proposed modification and setting out the effects of such modification;

(b) providing reasons for the proposed modification; and

(c) specifying the period, not being less than 30 days from the date of the notice, within which any written objection may be made by the licencee or by any interested person with respect to the proposed modification.

(3) Upon receipt of any objection in response to a notice issued under subregulation (2), the Authority may:

(a) reject the objection providing its reasons; or

(b) amend the proposed modification in accordance with the objection made.

(4) The Authority shall upon making a decision under subregulation (3), issue a direction in writing to the relevant licencee to give effect to the:

(a) modification, specified in the notice issued under subregulation (2); or

(b) modification, amended under subregulation (3)(b).

(5) A written notice issued under subregulation (1), shall be made available to any member of the public upon request.

DIVISION 4 — EXEMPTIONS

45 Minister may grant exemptions

(1) The Minister may by order, grant an exemption for activities, persons or classes of persons from the requirements under these Regulations.

(2) The Minister shall prior to granting an order under subregulation (1), consult with the Authority and seek the approval of the Cabinet.

(3) The form of the order granted under subregulation (1) shall:

(a) be determined by the Authority;

(b) specify terms, conditions, restrictions or technical requirements that shall be complied with;

(c) specify the relevant radio frequency band or spectrum block included in the exemption; and
(d) be signed by the Minister.

(4) An order granted under subregulation (1) shall be published in the Gazette.

46 Exemptions from radio spectrum licencing

An order exempting activities, persons or classes of persons under Regulation 45, may be issued in the following circumstances:

(a) installation, operation and use of radiocommunication equipment or station or use of radio frequency which is deemed by the Authority as unlikely to result in radio frequency harmful interference;
(b) use of generally 100 mW or less transmit power having a low interference potential, such as garage door openers, remote car locks, radio pagers, cordless telephones and wireless Local Area Networks where the transmission does not extend beyond the boundaries of the premises of the person operating such devices and subject to the conditions of:
  (i) short range radio devices which is generally 100 mW or less transmit power, that does not cause any harmful interference with other authorised radiocommunication services and is able to tolerate any harmful interference, caused by other radiocommunication services; or
  (ii) short range radio devices which is generally 100 mW or less transmit power, that conforms to the spurious domain emission limits provided for under the Radio Regulations and ITU-R Recommendation SM.329;
(c) use of radio spectrum or operation of radiocommunication equipment or station by the Republic including the Department responsible for emergency services or a law enforcement body, in the performance of its official duties or in instances of force majeure, public emergency, national security or disaster;
(d) use of radio spectrum or operation of radiocommunication equipment or station on any foreign vessel or foreign aircraft or any transit service, not registered in the Republic whilst it is within the jurisdiction of the Republic or passing through the territory of the Republic, on condition that, the person or class of persons responsible for the vessel, aircraft or transit service holds the necessary foreign radio spectrum licence from any other jurisdiction in accordance with the ITU Constitution, ITU Convention and Radio Regulations;
(e) use of monitoring equipment and associated facilities by the Authority; or
(f) use of radiocommunications equipment and services by diplomatic, consular or special missions in the Republic pursuant to the *Diplomatic Privileges and Immunities Act 1976*, *Consular Privileges and Immunities Act 1976* and *Special Missions Privileges and Immunities Act 1976*.

47 Exemptions from payment of radio spectrum licence fees

(1) The Minister may by order exempt departments or instrumentalities whose duties relate to national security, public protection, disaster relief, humanitarian and emergency services, from paying fees.
(2) The Minister shall prior to granting an order under subregulation (1), consult with the Authority and seek the approval of the Cabinet.
(3) The form of the order granted under subregulation (1) shall:

(a) be determined by the Authority;
(b) specify terms, conditions, restrictions or technical requirements that shall be complied with;
(c) specify the relevant radio frequency band or spectrum block included in the exemption; and
(d)

(4) An order granted under subregulation (1) shall be published in the Gazette.

48 Withdrawal of exemption granted

(1) The Minister may by order modify or withdraw an exemption granted under these Regulations.

(2) Prior to making an order under subregulation (1), the Minister shall:
(a) give an opportunity to persons affected by the order to be heard as to why such order should not be made; and
(b) consult with the Authority on whether or not to issue the order.

(3) The form of the order granted under subregulation (1) shall:
(a) be determined by the Authority;
(b) in the case of modification, specify terms, conditions, restrictions or technical requirements that shall be complied with;
(c) specify the relevant radio frequency band or spectrum block included in the modification or withdrawal; and
(d) be signed by the Minister.

(4) An order granted under subregulation (1) shall be published in the Gazette.

49 Authority may make available radio frequency spectrum or spectrum block for public use

(1) The Authority may by notice published in the Gazette, make available for public use particular radio frequency bands or spectrum blocks, without need for a licence or payment of a fee.

(2) The notice issued under subregulation (1) shall be consistent with the Plan and National Table.

(3) The form of the notice issued under subregulation (1) shall be determined by the Authority.

DIVISION 5 — RENEWAL, TRANSFER, AMENDMENT, VARIATION, SUSPENSION, CANCELLATION AND SUPPLEMENTARY PROVISIONS RELATING TO RADIO SPECTRUM LICENCES

50 Renewal of Licence

(1) The Authority may renew a licence upon the licencee complying with the procedures established under Division 1.

(2) The Authority shall not refuse the renewal of a radio spectrum licence where the licencee has:
(a) paid all the applicable fees;
(b) utilised the allocated radio frequency bands or spectrum blocks in an effective and efficient manner; and
(c) complied with all other reporting and licence requirements.

51 Transfer of Licence

A licencee who intends to transfer a licence to a person and the person to whom the licence is proposed to be transferred, shall submit jointly to the Authority an application in the form and manner accompanied with the fees and documents determined by the Authority.

52 Amendment of Licence

(1) The Authority may make amendments to a radio spectrum licence as follows:
  (a) to transfer the location of a station other than the transfer of a portable or mobile station from one site to another; or
  (b) to note any change in the radiocommunication equipment comprised in the station, which may only be made if the station has been satisfactorily inspected by an authorised officer and the Authority has approved the transfer or change under the licence.

(2) A licencee may request an inspection to be undertaken for the purpose of subregulation (1)(b) in which case, the licencee shall pay the fee determined by the Authority, for such inspection.

(3) Any amendment to a radio spectrum licence for a change in the base or repeater station in the network may only be made if:
  (a) the licencee has notified the Authority of the change;
  (b) the base or repeater station has been inspected to the satisfaction of an authorised officer; and
  (c) the Authority approves the change.

53 Variation or revocation of radio spectrum licence

(1) The Authority may vary or revoke a radio spectrum licence where it is:
  (a) in the national interest relating to technology-focused and market-based reforms in the radiocommunication industry in the Republic;
  (b) required to establish and maintain an updated national spectrum management system in the Republic to sustain and scale up for digital transformation or development efforts; or
  (c) required to ensure compliance with the ITU convention, Radio Regulations or an international treaty, commitment, recommendations or standards binding on the Republic.

(2) The Authority may revoke a term and condition of a radio spectrum licence where it is:
  (a) in the national interest relating to technology-focused and market-based reforms in the radiocommunication industry in the Republic;
  (b) required to establish and maintain an updated national spectrum management system in the Republic to sustain and scale up for digital transformation or development efforts; or
  (c) required to ensure compliance with the ITU convention, Radio Regulations or an international treaty, commitment, recommendations or standards binding on the Republic.

(3) The Authority shall, before making any variation or revocation under subregulation (1) or (2), give notice in writing to the relevant licencee and such notice shall be published in the Gazette:
  (a) specifying the proposed variation or revocation and setting out the effects of such variation or revocation; and

(b) giving reasons for the variation or revocation.

54 Suspension or cancellation of use of radio frequency band or spectrum block

(1) The Authority may, by notice, suspend or cancel the grant of the use of a radio frequency band or spectrum block or part of it, where the Authority is satisfied that:
   (a) a person or corporation to which it was granted is contravening or has contravened, whether by act or omission:
      (i) the Act or these Regulations;
      (ii) direction given by the Authority; or
      (iii) terms and conditions; or
   (b) a grant of the use of such radio frequency band or spectrum block was obtained by fraud or misrepresentation of facts.

(2) In accordance with subregulation (1), the Authority shall not be required to pay compensation for the suspension or cancellation made.

(3) The Authority shall, before suspending or cancelling the use of radio frequency band or spectrum block or part of it, under subregulation (1):
   (a) give notice in writing of its intention to the licencee affected; and
   (b) in such notice call upon that licencee to show cause within such time specified in the notice as to the reason the suspension or cancellation should not be made.

(4) The Authority shall give notice in writing to a person of the date from which the suspension or cancellation is to take effect where the person to whom a notice has been given under subregulation (3):
   (a) fails to show cause within the period of time given to the person to do so; or
   (b) fails to show sufficient cause.

(5) A person aggrieved by the Authority's decision made under this Regulation may appeal to the Supreme Court within 21 days of the decision being notified to that person.

55 Return of the Licence

(1) Where a licencee ceases to undertake operations, utilise the assigned radio frequency band or spectrum block, as required under an issued radio spectrum licence, the licencee shall:
   (a) return the licence to the Authority for cancellation; and
   (b) if required by the Authority, seal, disable or dismantle the radiocommunication equipment comprised in the station or network in the presence of any authorised officer.

(2) Unless authorised by the Authority, the licencee may only dispose of or offer the station, network or any radiocommunication equipment for sale where such have first been sealed, disabled or dismantled.

(3) Where any radiocommunication equipment has been sealed, disabled or dismantled under subregulation (1), no person shall, unless authorised by the Authority, break or tamper with the seal or enable or reassemble the equipment, as the case may be.

(4) Where a radio spectrum licence is returned to the Authority, no compensation shall be paid by the Authority to the licencee, unless the returned licence specifically requires the remaining period of such licence, to be refunded by the Authority.

56 Notification of change of particulars

A licencee, shall notify the Authority of any change in the particulars specified in a licence within 10 days of the change occurring.

57 Inspection of radiocommunication equipment

(1) Every licencee shall permit an authorised officer, to enter any building, premises, compound or other place, vehicle, vessel or aircraft where any station or network is installed or is being installed, for the officer to inspect, examine or test any radiocommunication equipment comprised in the station or network.

(2) An authorised officer shall produce proof of his or her identity in order to enter and conduct an inspection under subregulation (1).

(3) A licencee shall not be required to permit an authorised officer entry under subregulation (1) where the officer does not comply with subregulation (2).

58 Secrecy of radiocommunications

(1) A person shall not intercept the contents of any radiocommunication other than those transmitted for general information or for the information of licencees belonging to the same licenced network.

(2) Except as otherwise provided in these Regulations or by the conditions of a licence, every person having access to radiocommunications shall keep confidential all radiocommunications.

(3) A person referred to in subregulation (2) shall not:
  (a) directly or indirectly, disclose the contents of the radiocommunications referred to in that subregulation, except to a person entitled to have access to such radiocommunications or to an authorised officer or to a court; and
  (b) use such radiocommunications for any other purpose.

(4) A person having unauthorised access to radiocommunications shall not print, publish or disclose in any manner or form, any radiocommunication that may pass through his or her control or come to his or her knowledge, whether such radiocommunication is for private or general reception.

(5) A person shall not operate or use any station or network for or in furtherance of any unlawful purpose.

(6) The transmission of superfluous signals by a station or network is prohibited.

(7) A licencee shall ensure that the licencee's station or network is operated in a manner which is safe and which does not impair or interfere with:
  (a) any communications of a law enforcement body;
  (b) the operation or maintenance of any other station, network or telecommunication system or other service in the Republic, authorised by the Authority; or
  (c) distress, urgency or safety communications.

(8) A licencee shall cease operating a station or network and take any other immediate action as the Authority may direct, were the licencee observes or is directed by the Authority, that the operation of the station or network causes harmful interference to radiocommunications.

(9) The licencee shall, where so directed by the Authority in writing, cease to operate all or any of the equipment comprised in the station or network, for such period as may be required by the Authority, for the purposes of investigation of harmful interference to radiocommunications.

59 Procedures for renewal, transfer, amendment, variation, suspension, cancellation and supplementary provisions relating to radio spectrum licences

The application for renewal, transfer, amendment, variation, suspension, cancellation or transfer of a of a radio spectrum licences under this Division shall be dealt with in the same manner as if it is an application for a new licence and the provisions relating to issuance of a radio spectrum licence shall, *mutatis mutandis*, apply.

[The next page is 761,201]

60 Method for issuing radio spectrum licence fees where no likelihood of competing demand

(1) Where the Authority considers that there is no likelihood of there being competing demand for the radio frequencies, the fees of spectrum licences shall be:
  (a) set as predetermined fees; and
  (b) applicants shall be licenced pursuant to a *first-come, first-serve* basis in accordance with the process established under Part 4, Division 1.

(2) The predetermined fees under subregulation (1)(a) shall be as provided for under Schedules 1 to 5 and any other fee determined by the Authority.

61 Method for issuing radio spectrum licence fees where there is likelihood of competing demand

(1) Where the Authority considers that there is likelihood of there being competing demand for a radio frequency band or spectrum block, the Authority shall publish a notice in the Gazette specifying that:
  (a) there exists a competing demand for a radio frequency band or spectrum block with high economic value; and
  (b) the Authority will be implementing an administrative method, market-based method or a combination of both methods to:
    (i) determine the fee for the radio frequency band or spectrum block with high economic value; and
    (ii) select the person to grant the relevant radio spectrum licence to utilise the radio frequency band or spectrum block with high economic value.

(2) Prior to publishing a notice under subregulation (1) the Authority shall through an open, transparent and non-discriminatory manner:
  (a) consult any person who is or is likely to be affected by any action or decision;
  (b) give persons consulted the opportunity to make submissions;
  (c) give due consideration to the matters contained in such submissions as may be received;
  (d) make a determination based on submissions received; and
  (e) inform all those who made submissions of the Authority's decision on whether or not to proceed with publishing the notice and provide reasons for such decision.

62 Functions of the Authority relating to radio spectrum fees

(1) The Authority shall regularly conduct an audit of radio spectrum in the Republic to determine efficient and effective utilisation of radio spectrum resources.

(2) The Authority may undertake public awareness campaigns, regarding the utilisation of radio frequency bands, spectrum blocks and related matters and may invite members of the public to make submissions on appropriate fees to be charged.

(3) The Authority shall consider methods under Regulations 60 and 61 when implementing requirements of this regulation.

63 Pricing parameters

(1) The Authority may adopt radio spectrum pricing parameters in accordance with the methods used under Regulations 60 and 61 to encourage efficient use of radio spectrum and stimulate growth.

(2) The pricing parameters shall take into account the:
 (a) necessary bandwidth of the radio spectrum assigned;
 (b) radio frequency band and level of congestion within the band;
 (c) market demand;
 (d) transmit power output;
 (e) geographical usage; and
 (f) such other factors as the Authority may determine.

(3) The Authority shall review and publish the pricing parameters for radio frequency spectrum at least once in every 4 years.

64 General provision for radio spectrum licence fees

(1) The annual radio spectrum licence fees are payable through the issuance of radio spectrum network licences or radio spectrum station licences, which are prescribed in Schedule 1.

(2) The annual fees for radio frequency bands or usage fees in the course of operating or using a:
 (a) network under a radio spectrum network licence; or
 (b) station under a radio spectrum station licence are prescribed in Schedule 2 as follows:
  (i) the fees for the use of a radio frequency bands on an exclusive basis are prescribed in Part A of Schedule 2;
  (ii) the fees for the use of a radio frequency on a shared basis are prescribed in Part B of Schedule 2 and where the occupied bandwidth falls within 2 or more categories of radio frequency bands, the fee payable in respect of the lower radio frequency band shall apply;
  (iii) the types of Satellite Spectrum Licences and their respective fees are prescribed in Part C of Schedule 2; and
  (iv) the fees for other radiocommunication services are specified in Part D of Schedule 2.

(3) For any multi-channel radiocommunication equipment used for transmitting or receiving, the fee payable shall be in accordance with the bandwidth of the assigned radio frequency bands prescribed in Schedule 2.

(4) The radio frequency usage fees for ad hoc temporary radio frequency band assignments are prescribed in Schedule 3.

(5) The fees for radio broadcasting and television broadcasting are prescribed in Schedule 4.

(6) The application processing fees for any radio frequency band usage in the course of operating or using a network or station under a Spectrum Network Licence or Spectrum Station Licence are prescribed in Schedule 5.

(7) A licencee shall incur a late payment fee for failure to pay a fee, such late payment fee being, the amount derived where, the number of days a payment is late, is multiplied by the total fee due, which is subsequently divided by 365 days:

(a) the formula for such is prescribed in Schedule 5; but

(b) where the late payment fee calculated in accordance with the formula falls below $25, the minimum fee to be paid shall be as prescribed in Schedule 5.

[The next page is 761,401]

65 Radiocommunication equipment subject to type approval and type acceptance

(1) All radiocommunication equipment in the Republic shall before use, be submitted for type acceptance and type approval by the Authority.

(2) Subject to subregulation (3), the Authority shall grant type approval, for radiocommunication equipment once.

(3) Where there is a change of model, design or specification of radiocommunication equipment which had been type approved by the Authority, the equipment shall be re-submitted for type approval.

(4) The Authority shall conduct type acceptance and type approval and issue type approval certificate in accordance with procedures established by the Authority.

(5) In determining the procedures for subregulation (4), the Authority shall approve forms to supplement such procedure.

66 Radiocommunication equipment that may be authorised by the Authority

The Authority may type accept radiocommunication equipment where such are:

(a) in compliance with the Reference Standards of Conformity specified by:
  (i) the ITU;
  (ii) European Telecommunications Standards Institute;
  (iii) Institute of Electrical and Electronics Engineers; or
  (iv) International Electrotechnical Commission; or

(b) accepted by accredited type approval bodies or accredited test labs approved by the Australia Communications and Media Authority of Australia, the Federal Communications Commission of the United States of America or the Office of Communications of the United Kingdom.

67 Type Approval Certificate

The Authority shall where it is satisfied that the requirements for type acceptance and type approval are met, issue a Type Approval Certificate in a form determined by the Authority.

68 Type Approval Register

The Authority shall establish and maintain a Type Approval Register containing radiocommunication equipment for which a certificate has been issued by the Authority under Regulation 67.

69 Authority to coordinate with Naoero Customs Service relating to importation restrictions for type approval and type acceptance purposes

The Authority shall coordinate with the Naoero Customs Service to establish

procedures to regulate the importation of radiocommunications equipment requiring type approval and type acceptance procedures.
[reg 69 am Act 21 of 2026 s 5, opn 12 May 2026]

70 Market surveillance of radiocommunication equipment

The Authority shall conduct regular market surveillance activities to ensure that the radiocommunication equipment used in the Republic are compliant with these Regulations.

71 Possession of radiocommunication equipment requires licence

A person shall not possess any radiocommunication equipment, except with a valid radio spectrum licence authorising such possession.

[The next page is 761,601]

72 Radio frequency band monitoring

(1) The Authority may operate radio frequency monitoring stations to:
   (a) ensure that the national radio frequency band usage conforms to the terms and conditions set out in a licence and the Radio Regulations;
   (b) survey use of new radio frequency band or spectrum block assignments to identify infringements in order to take necessary steps;
   (c) monitor the use of the radio frequency spectrum and participate in any regional monitoring; and
   (d) establish the radio frequency spectrum occupancy, identification of radio emissions and resolution of harmful interference problems.

(2) The Authority shall in undertaking activities under subregulation (1), comply with relevant regional, sub-regional and international agreements and standards, including the ITU Convention and Radio Regulations.

73 Radio spectrum sharing

(1) A licencee intending to share the use of an assigned radio frequency band or spectrum block, shall first obtain the Authority's written approval.

(2) Upon receiving approval under subregulation (1), a licencee may authorise another person to share the use of the assigned radio frequency band or spectrum block, in accordance with the conditions of the relevant radio spectrum licence, to operate within a network or a station.

(3) A licencee shall not authorise the sharing of a radio frequency band or spectrum block under subregulation (1) to a person who does not hold the requisite radio spectrum licence to operate within a network or station.

(4) Any person authorised by a licencee to use the assigned radio frequency spectrum under subregulation (2) shall comply with the Act, these Regulations and such other requirements as the Authority may determine.

74 Radio spectrum trading

(1) A licencee intending to enter into an agreement with another person for the purpose of trading the use of an assigned radio frequency band or spectrum block granted under a licence, shall first obtain the Authority's written approval.

(2) Upon receiving approval under subregulation (1), a licencee may in accordance with the agreement, trade the use of an assigned radio frequency band or spectrum block.

(3) The parties to a trade agreement for the use of an assigned radio frequency band or spectrum block shall provide information to the Authority, about the agreement, the particulars relating to the radio frequency band or spectrum block and how such is traded and utilised under the agreement.

(4) Parties to an agreement shall comply with the Act, these Regulations and such other requirements as the Authority may determine.

75 National radio spectrum coordination

(1) Two or more persons may apply to the Authority for a type of radio spectrum licence, for the coordinated use of radio frequency band or spectrum block in accordance with the terms and conditions of radio spectrum licences.

(2) Where a dispute arises from the coordinated use of radio frequency band or spectrum block, the licencees shall make every effort to reach an agreement.

(3) The Authority may for particular radio frequency bands or spectrum blocks, require that licencees, who have an assignment on a shared or coordinated basis, collectively submit a spectrum sharing coordination agreement for its approval.

(4) The Authority may specify the coordination procedures to the licencees of shared assignments to form part of the agreement approved under subregulatio (3).

(5) A licencee may request for the Authority's assistance with coordination.

76 International radio spectrum coordination

(1) For the purposes of Section 44 of the Act, the Chief Regulator may undertake international radio spectrum coordination to develop registration procedures for the purpose of managing harmful interference caused to or received from other countries.

(2) Such coordination may include international coordination and notification of radio stations to the ITU to develop procedures to:
  (a) encourage multilateral coordination; and
  (b) ensure efficient use of radio spectrum resources on an interference-free basis.

(3) The Authority shall consult and coordinate the use of the radio spectrum with other countries for the purpose of:
  (a) monitoring radio spectrum enforcement; or
  (b) researching or surveying harmful interference impacts.

(4) Where the Authority becomes aware that there is a potential for causing harmful interference to services rendered by stations of another country, it shall advise the Minister of the need to enter into an international coordination agreement and where necessary, implement relevant procedures available under the ITU Convention.

77 Re-allocation or re-purposing of radio spectrum

(1) The Authority may re-allocate, and re-purpose radio frequency bands or spectrum blocks as needed to implement changes in the Plan and shall update the National Table accordingly.

(2) The Authority shall provide licencees with adequate prior notice of any intended changes under subregulation (1) in order to minimise the disruption of radiocommunication services and to permit licencees to make appropriate transitional arrangements.

(3) The Authority may, where it considers it necessary, require a licencee to stop using a radio frequency band or spectrum block and transfer to a new radio frequency band or spectrum block.

(4) The Authority shall consult with the licencee with respect to the technical,

administrative and financial cost of transfer and shall implement the transfer taking into account, the anticipated benefit of the new use of the radio frequency band and the burden of transfer to the licencee involved.

78 Seizure of radiocommunication equipment

(1) Where a person is found in possession of any radiocommunication equipment in contravention of Regulation 71, an authorised officer shall in accordance with Section 67 of the Act, seize such equipment.

(2) The Authority may seek an order of the Court for any radiocommunication equipment seized under subregulation (1) to be kept in the custody of the Authority at the cost, where applicable, of the person from whom it was seized until otherwise directed by the Court.

(3) The manner for disposal of radiocommunication equipment seized under Section 67 of the Act shall be as ordered by the Court.

79 Radio spectrum licence records

(1) The Authority shall establish an ITU standardised electronic radio spectrum database for spectrum management purposes to record and update the radio frequencies of all users, licencees, satellite orbital positions and allocated parameters and any other matter deemed necessary by the Authority.

(2) Subject to subregulation (3), information under subregulation (1) shall be publicly accessible upon written request made by a person and payment of a fee determined by the Authority.

(3) Information relating to spot radio frequencies of any spectrum user or an allocation and authorisation for use by a law enforcement body, shall not be disclosed.

(4) The required information records shall contain:

(a) the licencee's full name, residential address, contact phone number, email address, business address and where applicable any other identification document and number;

(b) in the case of a corporation, a certified copy of the corporation's incorporation certificate, business address, contact phone number of directors and principal executives;

(c) the full technical details of radio spectrum licences held;

(d) receipts of payment of radio spectrum fees;

(e) the radio frequency bands or spectrum blocks or radio frequencies authorised for use under the licence;

(f) effective and expiration dates of the licence; and

(g) any other information that the Authority may determine.

80 Annual report of radio spectrum usage

The Authority shall prepare and publish an Annual Report of its activities at the end of every financial year containing a review of radio spectrum usage, including radio spectrum licences issued.

[The next page is 761,801]

81 Eliminate or reduce harmful interference

(1) A licencee is obliged to maintain all radiocommunication equipment in a good condition and to ensure at all times that it satisfies the requirements of the Authority and does not cause harmful interference.

(2) The antenna system of a licencee shall comply with any technical requirements as specified by the Authority and shall not cause harmful interference.

(3) The licencee shall take all proper measures, to ensure that the use of the assigned radio frequency band or spectrum block, does not cause harmful interference to other licenced radiocommunication services, that operate in the same or other radio frequency band or spectrum block.

(4) A licencee shall take every endeavour to ensure that its radiocommunication equipment is not susceptible to harmful interference and electromagnetic disturbances, which may be caused to and from other licenced radiocommunication services, that operate lawfully in close proximity to the location of any other licencee.

(5) Radiocommunication equipment that operate in the radio frequency bands designated as Industrial, Scientific and Medical bands, shall accept harmful interference from other Industrial, scientific and medical radio commutation systems.

(6) Radiocommunication equipment that operate in the radio frequency bands designated as Industrial, Scientific and Medical bands, shall not cause harmful interference to other radiocommunication services that operate in the adjacent frequency bands.

(7) Where a licencee experiences any harmful interference from a source belonging to another licencee, necessary steps shall be taken by the affected licencee to eliminate the harmful interference amicably between the concerned parties.

(8) The Authority shall be kept informed of any steps taken to eliminate the harmful interference and the results obtained.

(9) In the event of a disagreement between licencees regarding the prevention of harmful Interference, the affected licencee may request the Authority to intervene and resolve the dispute.

(10) An application for reporting a harmful interference shall be submitted to the Authority in the form determined by the Authority.

(11) Where the Authority determines that there has been harmful interference caused to radiocommunication services, the Authority may, by notice in writing, direct the owner or user of that radiocommunication equipment at his or her own expense to:

(a) take suitable measures to eliminate or reduce the interference or disturbance;

(b) remedy the problem or the improper operation of the equipment at the person's own cost, within 10 working days from the date of issue of the written notice;

(c) modify or alter the radiocommunication equipment; or
(d) disconnect the radiocommunication equipment.

(12) The Authority may require any action to be undertaken by any licencee under subregulation (4), within such period as the Authority may determine, having regard to the circumstances of each case.

(13) The Authority may take additional actions that may include:
(a) by notice in writing, prohibit the installation or use of that radiocommunication equipment until the requirements of subregulations (7) and (8) are complied with; and
(b) where it considers it necessary, seal or remove such equipment or any part thereof referred to in subregulation (11).

82 Harmful interference caused by an unlicenced person

(1) Any unlicensed person who owns, possesses or uses any radiocommunications equipment of any kind, that emits a radio frequency, which interferes with the lawful transmission or reception of communication of a holder of a valid radio spectrum licence, shall upon notice, direction or order from the Authority:
(a) cease to operate the radiocommunications equipment to prevent that harmful interference; and
(b) within the time specified in the notice, direction or order from the Authority.

(2) Any person who contravenes subregulation (1) commits an offence and upon conviction is liable to a fine not exceeding $10,000 or to a term of imprisonment not exceeding 2 years or to both and shall also be liable to an additional fine of $100, for every day during which the contravention or failure to comply continues.

(3) Where any person is convicted of an offence for contravening or failing to comply with this Regulation, the court, where it is proved that the contravention or non-compliance includes the illegal operation or possession of any equipment, may order the confiscation of the equipment and accessories causing the harmful interference.

(4) Where it is proved that harmful interference to radiocommunication service has been caused, whether wilfully or not, the court may direct that the person responsible shall bear the costs of any investigation made in order to establish the existence and cause of such harmful interference.

83 Harmful interference disputes between network providers or service providers

(1) Where a dispute regarding harmful interference between network providers or service providers is unable to be resolved, the Authority shall, subject to subregulation (2), at the request of any party:
(a) initiate an investigation of the dispute, as soon as possible; and
(b) make a determination to resolve the dispute, if the Authority considers it necessary taking into consideration the circumstances of the dispute.

(2) The Authority may decide not to initiate an investigation referred to in subregulation (1), where the Authority is satisfied that the parties have not made reasonable efforts in good faith to resolve the dispute between them.

(3) Where the Authority decides to initiate an investigation in resolving radio spectrum disputes, the Authority may:
  (a) appoint at the request of the network providers or service providers an arbitrator of their choice to arbitrate the dispute at their own cost; or
  (b) assign staff or experts of the Authority to mediate the dispute and where the mediation does not resolve the dispute, the Authority may consider and determine the dispute itself.

(4) Subject to subregulation (3) the Authority may direct the network providers or service providers:
  (a) involved in the harmful interference dispute to meet in good faith to:
    (i) prevent or eliminate the continuance of the harmful interference; or
    (ii) resolve the dispute; and
  (b) to provide periodic reports to the Authority, to determine whether the harmful interference is continuing, its impact on the network providers, service providers and other licencees.

(5) A decision made under subregulation (3) by arbitration or mediation shall become a decision of the Authority, binding upon the respective network providers or service providers.

(6) The Authority may suspend or revoke a radio spectrum licence, where the network providers or service providers fail to comply with a decision or order of the Authority.

84 Limiting exposures to Electromagnetic Fields (EMF)

(1) The licencee shall ensure that radio frequency radiations emanating from its radiocommunication equipment or towers are in compliance with the general public exposure and occupational exposure limits, as specified in the ICNIRP Guidelines.

(2) The licencee shall annually inspect all the operational radiocommunication equipment or towers to ensure their compliance with the ICNIRP Guidelines.

(3) Where, as a result of the inspection there is found to be non-compliant equipment, towers or sites causing radio frequency exposure in contravention of the ICNIRP Guidelines, the licencee shall take immediate action to rectify the non-compliant equipment, towers or sites.

(4) Reports of inspections made under subregulation (2) shall be submitted to the Authority annually by the licencee.

(5) The licencee, shall not exceed the general public radio frequency radiations limits, emanating from radio base stations and shall obtain a Certificate of compliance from the Authority periodically in accordance with the ICNIRP Guidelines.

(6) The licencee shall use their best endeavours to avoid establishing any radiocommunication equipment or towers next to buildings or places visited by the general public which include schools, hospitals or sports fields.

(7) Where radiocommunication equipment or towers are established next to sites referred under subregulation (6), the relevant licencee shall use its best endeavours to minimise the radio frequency radiation intensity in these areas, in accordance with the ITU Recommendation ITUT K.52, which presents general guidance, a calculation method and an installation assessment procedure.

(8) The licencee shall ensure that the general public, cannot access an area surrounding the towers and antennas of transmission stations, which area is determined on a case-by-case basis by the Authority, in accordance with the formulas set out in the ITU Recommendation ITU-T K.70.

(9) The Authority shall carry out timely independent random audits, investigations and site inspections, with joint participation of the licencee to ensure that the licencee is compliant with the:
(a) radio frequency radiation levels for general public exposure and occupational exposure as specified in the ICNIRP Guidelines; and
(b) ITU Recommendation ITU-T K.70.

(10) Where as a result of an audit, investigation or inspection, the Authority finds that a licencee is not compliant with the ICNIRP Guidelines or ITU Recommendation ITU-T K.70, the Authority shall:
(a) suspend the licencee's licence; and
(b) issue a direction for the licencee to rectify non-compliant matters identified.

(11) The Authority shall require a licencee with a suspended licence to meet the requirements as the Authority determines, where the licencee applies to the Authority to lift such suspension.

(12) The requirements of Part 4, Division 1 shall apply *mutatis mutandis* in addition to requirements under subregulation (11) for a licencee applying to lift the suspension of the licence.

(13) For the purpose of this Regulation, a **'licencee'** includes network providers, service providers, content applications service provider or a holder of a radio spectrum licence.

85 Radiocommunications tower sharing

(1) In order to minimise the impact on the environment from tower and antenna installations, the Authority shall:
(a) direct owners of towers and antennas to locate them, as far as practicable, in areas where adverse impact on the community is minimal;
(b) direct owners of towers and antennas to configure them in a way that minimises the adverse visual impact of towers and antennas;
(c) encourage co-location to reduce the proliferation of towers in achieving the most efficient use of radiocommunications facilities; and
(d) enhance the ability of operators to provide their services to the public more effectively and efficiently.

(2) With the prior approval of the Authority, the network providers, service providers or relevant radio spectrum licencees, shall ensure that broadcasting and telecommunication tower sites are constructed with sufficient space and loading capacity, in order to install radiocommunication equipment of two or more providers in the same tower which shall include:
(a) antenna structures;
(b) backhaul facilities space for mini cabinets; and
(c) associated back-up power equipment.

(3) With the prior approval of the Authority, the network providers, service providers or relevant radio spectrum licencees may allow more providers to share the space of its radiocommunication tower structures.

86 International affairs

(1) The Authority shall advise the Minister in carrying out its responsibilities in representing the Republic in official meetings of regional and international broadcasting and telecommunications organisations.

(2) The Authority, with the approval of the Minister, may act as the duly appointed representative of the Republic at meetings of international bodies or authorities which have the purpose of:

(a) designating international standards in the broadcasting and communications industry;

(b) introducing changes to international treaties, commitments, recommendations or standards; or

(c) recommending reform of the governing laws of the Republic in order to comply with international standards.

(3) The Authority shall with the approval of the Minister take steps to ensure that the use of the radio spectrum is consistent with any applicable international treaty, convention, protocol, commitment and standard.

[The next page is 762,001]

PART 9 — OFFENCES AND PENALTIES

87 Offences and Penalties

(1) Any person who contravenes any provision of these Regulations commits an offence and shall be liable, on conviction, to a fine not exceeding $10,000 or to a term of imprisonment not exceeding 2 years or to both.

(2) Where any person is convicted of an offence under these Regulations, the court, where it is satisfied that the contravention includes the unlawful operation or possession of any radiocommunication equipment, may order the confiscation of the said equipment.

[The next page is 762,201]

88 Repeal, savings and transitional provisions

(1) Subject to subregulation (2) the *Wireless Telegraphy Regulations 1976* are repealed.

(2) Any:

(a) decision or order made under the *Wireless Telegraphy Regulations 1976*, before the commencement of these Regulations, shall be deemed to have been made under these Regulations and shall continue to be in force, until altered, amended or revoked under these Regulations;

(b) radio spectrum licence relating to broadcasting or telecommunications or radiocommunications granted or issued under the *Wireless Telegraphy Regulations 1976* before the commencement of these Regulations, shall be deemed to have been granted under these Regulations and shall continue to be in force, until suspended or revoked under these Regulations or until the date of the expiry, whichever comes first;

(c) act of authority or authorisation of use of radio spectrum made or given under the *Wireless Telegraphy Regulations 1976*, before the coming into operation of these Regulations, shall be deemed to have been made under these Regulations and shall continue to be in force, until altered, amended or revoked, as the case be, under these Regulations or until the date of its expiry, whichever comes first;

(d) right, privilege, obligation, liability acquired, accrued or incurred under the *Wireless Telegraphy Regulations 1976*, before the coming into operation of these Regulations, shall continue to be in force, until altered, amended or revoked under these Regulations; and

(e) investigation, legal proceedings or penalty, forfeiture or punishment instituted or incurred in respect of an offence committed under the *Wireless Telegraphy Regulations 1976* may be instituted or continued under such Regulations.

89 Transition of radio frequency band or spectrum block usage

(1) Subject to subregulation (2), when managing the transition of radio frequency band or spectrum block usage from the previous licencing regime, to the newly created licencing regime established in these Regulations, the Authority may issue radio spectrum licences and allocate or assign radio frequency bands or spectrum blocks, to persons who had received licences prior to the commencement of these Regulations, in accordance with the relevant provisions under these Regulations.

(2) In issuing a licence or making an allocation or assignment under subregulation (1), the Authority shall ensure compliance with the Radio Regulations, National Table and the Plan.

(3) The Authority shall ensure to comply with Regulation 49 when undertaking transitional procedures under this Regulation.

[The next page is 762,401]

SCHEDULE 1

[Regulations 19(3), 20(2), 21(4), 22(6), 23(4), 24(9), 25(9), 26(9), 27(7), 31(7), 32(10), 33(8), 34(9)(a), 36(5), 63]

FEES FOR ANNUAL RADIO SPECTRUM LICENCES THROUGH GRANT OF RADIO SPECTRUM NETWORK LICENCES AND RADIO SPECTRUM STATION LICENCES

Aeronautical Mobile Service			
No	**Types of licences**		**Fee payable per annum**
1	Aeronautical Station	(a) Aeronautical Base or Repeater Station (erp less than 5 W)	$100
		(b) Aeronautical Base or Repeater Station (erp equal to or more than 5 W but less than 100 W)	$200
		(c) Aeronautical Base or Repeater Station (erp equal to or more than 100 W)	$400
		(d) Aeronautical Portable or Mobile Station	$50
2	Aircraft Station	(a) Aircraft Station (maximum aircraft takeoff weight equal to or more than 14,000 kg)	$1,000
		(b) Aircraft Station (maximum aircraft takeoff weight more than 3,200 but less than 14,000 kg)	$500
		(c) Aircraft Station (maximum aircraft takeoff weight up to 3,200 kg)	$200
Land Mobile Service			
No	**Types of licences**		**Fee payable per annum**
1	Private Mobile Radio network	(a) Base Station (e. r. p. of 5 watts or below)	$300 per unit
		Portable or Mobile Station for vehicular or hand-held portable stations with (e. r. p. of 2 watts or below)	$100 per unit
2	Localised Private Network	(a) Base Station (e. r. p. of 5 watts or below)	$300 per unit
		(b) Portable or Mobile Station (e. r. p. of 1 watts or below)	$100 per unit
3	Wide-area Private Network	(a) Base Station (e. r. p. of 5 watts or below)	$300 per unit
		(b) Portable or Mobile Station (e. r. p. of 1 watts or below)	$100 per unit

4	Localised Radiocommunication Station	(a) Remote Control Devices	$25
		(b) Local Area Paging Devices Base Station	$50
		(c) Transceivers (citizen-band Walkie Talkies)	$25
		(d) Telemetry or Alarm Systems and/or both	$50
		(e) Wireless Data or Voice Systems	$50
5	Public Mobile Radio Network	(a) 300 Base Stations or less	$100 per station
		(b) 301 to 500 Base Stations	$80 per station for all stations
		(c) 501 to 700 Base Stations	$60 per station for all stations
		(d) 701 Base Stations or more	$40 per station for all stations
Maritime Mobile Services			
No	**Types of licences**		**Fee payable per annum**
1	Maritime Mobile Base or Repeater Station		$200
2	Maritime Mobile Portable or Mobile Station		$100
3	Maritime Coast Radio Station		$500
4	Port Station		$300
5	Maritime Ship Station (VHF only)		$200
6	Ship Station	(a) Ships less than 1600 gross tons	$500
		(b) Ships greater than 1600 gross tons	$800
Fixed Terrestrial Links or Fixed Wireless Systems			
No	**Types of licences**		**Fee payable per annum**
1	Point-to-point radio Link (eirp equal to or more than 1 W but less than 5 W,)		$400
2	Point-to-multipoint system (eirp equal to or more than 1 W but less than 5 W,)		$600
3	Multipoint Distribution Station transmitter (eirp less than 1 W)		$800
4	Multipoint Distribution Station transmitter (eirp equal to or more than 1 W but less than 5 W,)		$1,000
5	Multipoint Distribution Station transmitter (eirp equal to or more than 5 W)		$1,200
Amateur Station Licence			
No	**Types of licences**		**Fee payable per anum**
1	Amateur Station	(a) General Class	$50
		(b) Premium Class	$200
		(c) Overseas licensed Amateurs visiting the Republic	$100

Satellite spectrum station licence		
No	**Types of licences**	**Fee payable per annum**
1	Permanent Earth Stations (PES) links with LEO, GEO, MEO Satellites	$2,000
2	Transportable Earth Stations (TES)	$1,000
3	Earth Station Network (ESN)	$1,000
4	Non-Geostationary Earth Stations (Non-GEO)	$1,500
5	Non-Fixed Satellite Earth Stations (Non-FSS)	$1,500
6	Receive-Only Earth Stations (ROES)	$500
7	Satellite News Gathering Station – SNG	$1,000
8	Mobile earth station in the mobile-satellite service	$1,000
9	Radiolocation/Radiodetermination station	$1,000
10	Disaster recovery and relief station.	$1,000
11	Portable Satellite Communication Terminal	$500
12	Satellite User terminal license to operate on broadband Internet	$50
13	Television Receive-Only (TVRO) System License	$50
14	Very Small Aperture Terminals (VSAT)	$50
Temporary or Special Purpose Licences		
No	**Types of licences**	**Fee payable per annum**
1	Temporary licences	$100
2	Special Purpose Station Licence	$100

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SCHEDULE 2

[Regulation 63(2) and (3)]

ANNUAL FEES FOR RADIO FREQUENCY BANDS OR USAGE FEES (ANNUAL FREQUENCY MANAGEMENT FEE)

PART A — Fees for the use of a radio frequency on an exclusive basis				
No	**Radiocommunication Service**	**Radio Frequency Bands**	**Occupied Bandwidth (X)**	**Fee (A$) payable per frequency per annum**
1	Broadcasting	All radio Frequency Bands	X ≤ 25kHz	$200
			25kHz < X ≤ 500kHz	$400
			500kHz < X ≤ 10MHz	$6,000
2	Fixed	All Radio Frequency Bands	X ≤ 25kHz	$200
			25kHz < X ≤ 500kHz	$500
			500kHz < X ≤ 10MHz	$1,000
			10MHz < X ≤ 20MHz	$2,500
			X > 20MHz	$5,000
3	Private Mobile Radio	All Radio Frequency Bands	X ≤ 25kHz	$200
			25kHz < X ≤ 500kHz	$250
			500kHz < X ≤ 10MHz	$4,500
			10MHz < X ≤ 20MHz	$5,000
			X > 20MHz	$25,000
4	Public Mobile Radio	All Radio Frequency Bands	Per 5 MHz of occupied bandwidth or part thereof	$2,500
5	Others	All Radio Frequency Bands	X ≤ 25kHz	$200
			25kHz < X ≤ 500kHz	$500
			500kHz < X ≤ 10MHz	$7,500
			10MHz < X ≤ 20MHz	$15,000
			X > 20MHz	$20,000

Part B — Fees for the use of a radio frequency				
No	**Radio Communication Service**	**Radio Frequency Bands**	**Occupied Bandwidth (X)**	**Fees payable per frequency per annum**
1	Fixed	Below 10GHz	X ≤ 25kHz	$100
			25kHz < X ≤ 500kHz	$200
			500kHz < X ≤ 10MHz	$400
			10MHz < X ≤ 20MHz	$1,000
			X > 20MHz	$2,000
		10GHz–15.7GHz	X ≤ 25kHz	$100
			25kHz < X ≤ 500kHz	$200
			500kHz < X ≤ 10MHz	$300
			10MHz < X ≤ 20MHz	$500
			X > 20MHz	$1,000
		15.7GHz–21.2GHz	X ≤ 25kHz	$100
			25kHz < X ≤ 500kHz	$200
			500kHz < X ≤ 10MHz	$300
			10MHz < X ≤ 20MHz	$400
			X > 20MHz	$500
		Above 21.2GHz	X ≤ 25kHz	$100
			25kHz < X ≤ 500kHz	$200
			500kHz < X ≤ 10MHz	$300
			10MHz < X ≤ 20MHz	$400
			X > 20MHz	$500
2	Radiodetermination (Non-Aeronautical)	Below 3GHz	X ≤ 25kHz	$100
			25kHz < X ≤ 500kHz	$200
			500kHz < X ≤ 10MHz	$1,000
			10MHz < X ≤ 20MHz	$2,000
			X > 20MHz	$3,000

3	Radiodetermination (Non-Aeronautical)	3GHz–5.85GHz	X ≤ 25kHz	$100
			25kHz < X ≤ 500kHz	$200
			500kHz < X ≤ 10MHz	$500
			10MHz < X ≤ 20MHz	$1,000
			X > 20MHz	$1,500
		Above 5.85GHz	X ≤ 25kHz	$100
			25kHz < X ≤ 500kHz	$200
			500kHz < X ≤ 10MHz	$400
			10MHz < X ≤ 20MHz	$500
			X > 20MHz	$1,000
4	Satellite (Geo Stationary Orbit)	All Radio Frequency Bands	X ≤ 25kHz	$100
			25kHz < X ≤ 500kHz	$200
			500kHz < X ≤ 10MHz	$300
			10MHz < X ≤ 20MHz	$500
			X > 20MHz	$1,000
5	Satellite (Non-Geo Stationary Orbit)	All Radio Frequency Bands	X ≤ 25kHz	$100
			25kHz < X ≤ 500kHz	$200
			500kHz < X ≤ 10MHz	$1,000
			10MHz < X ≤ 20MHz	$1,500
			X > 20MHz	$3,000
6	Radiodetermination (Aeronautical)	All Radio Frequency Bands	X ≤ 25kHz	$100
			25kHz < X ≤ 500kHz	$200
			500kHz < X ≤ 10MHz	$1,000
			10MHz < X ≤ 20MHz	$2,000
			X > 20MHz	$3,000
7	Others	All Radio Frequency Bands	X ≤ 25kHz	$100
			25kHz < X ≤ 500kHz	$300
			500kHz < X ≤ 10MHz	$2,000
			10MHz < X ≤ 20MHz	$4,000
			X > 20MHz	$6,000

8	Private mobile radio	All Radio Frequency Bands	X ≤ 25kHz	$100	
			25kHz < X ≤ 500kHz	$200	
			500kHz < X ≤ 10MHz	$1,000	
			10MHz < X ≤ 20MHz	$2,500	
			X > 20MHz	$5,000	
Part C — Satellite Spectrum Licence types/fees					
No	**Segment**	**Earth Station Location**	**ITU Communication Service Description**	**Direction**	**Fees**
1	Space	Ubiquitous Area Wide	Space – Earth	Downlink	The fees will be calculated according to Part B of this Schedule
			Earth – Space	Uplink	
2	Earth	Site Specific	Earth – Space	Downlink	
			Space – Earth	Uplink	
Part D — Other radiocommunication services					
No	**Radiocommunication service**	**Occupied Bandwidth**	**ISM Band**	**Non-ISM Band**	
1	Common Frequencies for in-building or on-site wireless systems	Bandwidth of 20 MHz or less	$50	$100	
		Bandwidth of more than 20 MHz but not exceeding 50 MHz	$100	$200	
		Bandwidth of more than 50 MHz	$150	$300	
2	**Radiocommunication networks and systems**			**Usage fee payable per radio frequency band per annum**	
	Assigned spectrum block for multi-channel radiocommunication networks and systems			$150	

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SCHEDULE 3

[Regulations 36(5) and 63(4)]

USAGE FEES FOR AD HOC TEMPORARY RADIO FREQUENCY BAND ASSIGNMENTS

No	Occupied Bandwitdth	Radio Frequency Usage Fees	
		6 months or less	More than 6 months
1	X ≤ 25 kHz	$100	$200
2	25 kHz < X < 500 kHz	$300	$500
3	500 kHz ≤ X< 1 MHz	$500	$1,000
4	1 MHz ≤ X < 20 MHz	$1,000	$2,000
5	X > 20 MHz	$2,000	$4,000

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SCHEDULE 4

[Regulations 29(5) and 63(5)]

FEES FOR RADIO AND TELEVISION BROADCASTING

No	Types of licences	Fee payable per annum
1	MF/HF Radio Broadcasting Transmitter.	$500
2	VHF-FM Radio Broadcasting Transmitter (eirp equal to or more than 1 kW)	$500
3	VHF-FM Radio Broadcasting Transmitter (eirp equal to or more than 200 W but less than 1 KW)	$800
4	VHF-FM Radio Broadcasting Transmitter (eirp less than 200 W)	$400
PART B — TELEVISION BROADCASTING		
1	Television Broadcasting Transmitter (eirp less than 100 W)	$1,000
2	Television Broadcasting Transmitter (eirp equal to or more than 100 W but less than 1 KW).	$10,000
3	Television Broadcasting Transmitter (eirp equal to or greater than 1 KW)	$20,000

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SCHEDULE 5

[Regulation 63 (6) and (7)]

OTHER FEES

Category		Fees
Application processing gees for new applications	When assigning on shared basis	$100 per application
	When assigning on exclusive basis	$300 per application
	All other Frequencies (including satellite downlink/ uplink frequencies)	$300 per application
Late payment fees		Late payment fee = Number of days payment late X Total spectrum fees / 365 days
		Minimum of $25 per licencee

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