Communications and Broadcasting (Radio Spectrum Management) Regulations 2024

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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.

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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.

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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.

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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

[The next page is 763,001]

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

[The next page is 763,201]

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

[The next page is 780,001]