

Recent audits by Radio Spectrum Management indicate that some Land mobile radio telephones are programmed with frequencies not authorised by licences.

Please note that possession of radio apparatus capable of transmitting on frequencies not authorised by a radio licence is an offence.

Section 114 of the Radiocommunications Act 1989 states:

- (1) For the purposes of section 113, any person who erects, constructs, establishes, maintains, or is in possession of any radio transmitter is presumed to have used the radio transmitter unless and until the contrary is proved.
- (2) Where a radio transmitter is temporarily inoperative or has been partially dismantled, that radio transmitter is deemed to be, and to remain, capable of transmitting radiocommunications unless the Secretary is satisfied that the transmitter has been rendered inoperative.

This non-compliance may result in the Ministry issuing an infringement fine, or pursuing a prosecution under the Radiocommunications Act 1989. The applicable infringement fee is a fine of \$350 for an individual or \$1700 for a body corporate. If a prosecution is pursued, a conviction may result in a fine of up to \$30,000 for an individual or up to \$200,000 for a body corporate.

If your equipment includes any unlicensed frequencies, or is otherwise operating outside the licence conditions, you must arrange for this to be corrected immediately.

If you have any questions or need further information please contact:

Fadia Mudafar
Compliance Officer, Radio Spectrum Management
0508 RSM INFO (0508 776 4636)
fadia.mudafar@mbie.govt.nz

Dated: 25 November 2015