



File No. DOIA 2122-1279

17 December 2021

Cody C

fyi-request-17916-820ec82e@requests.fyi.org.nz

Dear Cody

Thank you for your email of 11 December 2021 requesting the following under the Official Information Act 1982 (the Act):

In the context of "Radiocommunications Regulations (Prohibited Equipment – Unrestricted Two Way Radio) Notice 2018", specifically the following section:

"Radio equipment or part thereof capable of being front panel or computer programmed by the user onto any frequency outside the frequency range prescribed in the amateur radio licence or replacement thereof, including, but not limited to, the following makes and models:

*Baofeng
Wouxun
Pofung"*

Does the inclusion of "including, but not limited to" in the above notice, or more broadly, extend to mean that a software defined radio (SDR) may also be prohibited?

While Software Defined Radios (SDR) are capable of being computer programmed to a broad range of frequencies, they are not in the scope of the Radiocommunications Regulations (Prohibited Equipment – Unrestricted Two-Way Radio) Notice 2018. The intention of the prohibition notice is to limit the supply of radio devices which can easily be programmed to licensed frequencies via the front panel.

However, suppliers and users of SDRs need to be aware that they must meet the frequency and compliance requirements as outlined in the Radiocommunications Act 1989, the Radiocommunications Regulations 2001, and the associated gazette notices. This includes ensuring the equipment only transmits in accordance with the conditions of a licence and that the equipment meets the applicable radio standard that is prescribed for that use. Failure to meet these conditions is a breach against the Radiocommunications Act 1989 and may result in enforcement action taken against the user or supplier.

If you have any further questions, please feel free to contact Radio Spectrum Management on 0508 RSM INFO.

You have the right to seek an investigation and review by the Ombudsman of this response. The relevant details can be found at: www.ombudsman.parliament.nz.

Yours sincerely

Fadia Mudafar
National Manager, Radio Spectrum Management