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NZART: Repeaters Beacons and Fixed Links

Without going into the history of how the present state of affairs has come about a brief explanation is required. Prior to 2004 each amateur licence holder paid an individual fee . That fee contained a component which went towards MED services for repeater licences and fixed links. This was a trade-off for what might otherwise have been a slightly reduced annual fee and was seen by NZART Council of the day as fair and reasonable. The problem of "repeaters beacons and fixed links" only arose when free licences to amateurs became a reality. Members may recall that this was heralded at the Nelson AGM/Conference in 2002, when no mention was made of charging for "repeaters beacons and fixed links." All present thought that these, too, would be free. However this proved to be not the case and in due course we learned of the intention to charge a fee of \$250 for each of those items. This was intolerable and a totally unrealistic impost. Our Administration Liaison Officer (ALO) persuaded the MED to reduce this fee to \$50 but no further. This \$50 fee is prescribed by the current radio regulations. A \$5 reduction for payment on-line is available in effect reducing the fee to \$45.

NZART Council is aware that members want "solutions not problems". At the same time members need to know what is happening. Everyone should be aware of the view of NZART Council and members, endorsed at the last two AGM's that our objective is to have all MED costs assessed by way of licence fees shared equitably amongst all amateur licence holders.

It is not acceptable to our membership that fees for the provision of services to amateur radio be incurred solely by our membership.

Bearing in mind the wishes of members NZART Council has considered a number of options as to how to achieve an equitable outcome for the members.

There have been a multitude of possible solutions offered to us as to how a desired outcome might be achieved. Many of these have not passed scrutiny and others, although appearing attractive, have been rejected for one reason or another.

Very serious consideration was given to a mechanism whereby we could invoice non members but this was rejected by the MED and thus could not be enforced.

Recently NZART Council has investigated the possibility of instituting legal proceedings such as a judicial review of the MED invoicing NZART for a service of benefit to all amateurs (members and non-members alike. High level but informal legal advice became available to us, gratis, from a variety of sources, for which I together with the NZART Council are most grateful. The considered opinion of all legal advisors, as accepted by your NZART Council, was that while there was some possibility of achieving a favourable outcome, legal arguments would need to be advanced in a ground-breaking way by highly experienced legal people (probably at Q.C. level). Win or lose, NZART simply cannot afford the costs of such legal proceedings.

Certain political initiatives have been, and continue to be, undertaken by both your Administration Liaison Officer and myself. These continue and I can offer no comment at this stage as to whether or not they will be successful - but I remain optimistic.

Another initiative is to seek the assistance of the Ombudsman. Preliminary discussions are currently underway. If results are encouraging NZART Council will take matters further.

Recent Happenings: Last month (August 2006) the first of the repeater invoices arrived followed in September by two more. The bulk of the invoices are expected in November.

We had expected a single invoice for all repeaters, as stated by MED, but the SMART software application has been turned on and is sending out a few individual invoices as a precursor to the bulk invoicing yet to come.

With most licences now in the name of NZART, we received the first invoice when it was issued. Following considerable discussion by NZART Council, the General Secretary was asked to contact the Branch and Repeater Trustees concerned to give them the opportunity to pay the fee should they so wish. This they did and, by arrangement with all concerned, the fee has been paid by NZART on the basis that it will be reimbursed to NZART by the Branch.

The process involved was extremely time consuming. It took many working hours plus several telephone calls and emails to achieve a positive outcome. As a one-off the

General-Secretary was able to help facilitate this and for the next two invoices a similar process can be followed. However, our single part time manager will be unable to process the work generated by a bulk invoice for several hundred licences.

So what do we do?

Council has debated the matter and considered many options. We know that all members want any assessed fees to be born equitably by all and not by our members alone. NZART Council fully support this view.

We have these choices or some combination of them:

Option 1: NZART pays all beacon, repeater and fixed link licence fees for this licensing period only (2006-7).

Option 2: NZART declines to pay any beacon, repeater and fixed link licence fees, without exception.

Option 3: NZART pays for certain beacon, repeater and fixed link licence fees for 2006-2007 and maybe beyond.

What are the pros and cons of each of these options?

Option 1: Is an interim measure to buy time. It enables retention of the existing infrastructure without incurring the substantial costs and difficulties associated with trying to contact branch secretaries and trustees. It avoids placing the burden of licence fees on some branches such as VHF groups who have already used substantial funds of their own for the benefit of all. It means we can retain all Channel 39 (ATV or Amateur Television) licences nationwide and all component parts of the National System. Further it means that we will not lose hill top repeater sites because a particular branch can't, won't, or fails to act when a renewal is required. In essence we buy time to continue efforts to obtain free licences for repeaters, beacons and fixed links as Canadian and British amateurs will shortly have.

If this option were chosen there would be a substantial unbudgeted cost falling in the current financial year. Will the amateur fraternity see this as an acceptable course of action to preserve our infrastructure while all avenues of persuasion are explored, or until the membership can review the situation at the next AGM in 2007?

If this option was adopted, there could be some cost recovery by setting up a fund (a fighting fund, if you will) to accept voluntary donations. Members might like to return their \$15 subscription rebate to such a fund, for example.

Option 2: This is an option that was voted on at two AGM's and is the view of the membership. It means that branches/repeater trustees will need to make their own arrangements to pay assessed fees. NZART would do its best to advise those affected of the details of the accounts received, but clearly this may need to be done in a global rather than an individual way. With licences in the name of NZART the system for collecting payments will need to be established.

It is almost inevitable that if this option is taken then several licences will not be renewed. This may be due to inertia or other reason such as the branch deciding to relinquish a repeater licence.

Associated with this option is the suggestion that all licences should revert back to the branch/beneficial owner. This is not as easy to achieve as the undoing process requires input from the branches. One difficulty with retention by NZART is that if a licence is allowed to lapse NZART must take immediate steps to ensure the repeater is disabled. Failure to do so could expose us to liability and compliance costs if it is not disabled, such as fines. It is unlikely that NZART Council has the ability to disable any significant number of repeaters.

Option 3: This is a compromise option. It recognises that NZART should not be paying for licences even as an interim measure - but at the same time recognises that at least in the interim certain items of infra structure ought to be paid for by NZART, e.g. our international beacon. The cost of this is negligible (as the beacon is now only one licence, not the many it had been) and it is unlikely that anyone would object to NZART paying to preserve this.

Another candidate for preservation is our Channel 39 ATV access. NZART Council has good

reason to believe that if we lost these licences then access to Channel 39 would be lost forever. Commercial interests in the UHF TV Band are already putting pressure on MED to have the amateur allocation reviewed, and possibly removed.

Then there is the National System. Is this something that needs to be preserved? NZART Council will need to make decisions very soon. None of us want to lose any of our current repeaters, beacons or fixed links.

None of us want the situation of our members having to pay for repeaters, beacons or fixed links available for the use of non members to continue indefinitely, as this is simply not a fair situation.

None of us want access to repeater to be controlled by access codes so that they can be accessed by NZART members or branch members only. So what's the answer?

The time has come for your input.

If we select option one this preserves our infrastructure for the time being, enables us to continue to fight for what we believe is justice, at the cost of temporarily reversing our position as set out in recent AGM resolutions?

If we select option two we are asking those who have worked long and hard to ensure Channel 39 access to accept its likely permanent loss. Will NZART members at large accept any loss of the repeaters and links in the National System? Will those individuals who have given freely of their time and energies in providing infrastructure be motivated to revive and renew dismantled stations, resulting from non-payment of licences? Will those faced with a re-engineering fee of \$300 plus a licence fee of \$50 be interested to re-instate any lost licence? Will there be physical resources available which will enable this to happen in a timely way? If we select option three will we be faced with endless arguments as to what should or should not be preserved? Or can we identify the need to preserve our International beacons, our Channel 39 access and our National System infrastructure as a minimum?

Members want answers not problems. Whatever answer we give you will not be acceptable to all. There is no magic wand to wave to conjure up \$16,000 (or so) to preserve our infrastructure for another year.

It would not be fair of me to suggest a solution to you as being the option preferred by NZART Council.

I can however give you my own view, which is that I do not wish to see any of our infrastructure lost in the short term - certainly not before we have had every opportunity to take all appropriate measures properly available to us and pursued each of them to their logical conclusion. We do not have the advantage of time. If licences are not paid by due date they are automatically cancelled by the SMART system. All rights in relation to the same would be lost and would have to be reapplied for as if they were applications for new licences, with all the processing formality that is associated with a new application. In the case of Channel 39 it is my belief, on advice, that if not paid for these licences would most likely be permanently lost.

It is my personal opinion at this time (and not necessarily the opinion of any other member of NZART Council) that Option 3 is the preferred course (though Option 1 is in my view a viable alternative).

So where to from here? Send an email with your name, call sign and membership number to with the subject line showing your order of preference. For example "Option 2, Option 1, Option 3" or if only one or two of the options is acceptable to you specifying accordingly e.g. "Option 1". If for any reason you are unable to email, a fax or letter to NZART Headquarters to the same effect will be acceptable.

If you have any additional comments please send these to Council or myself separately. The purpose of this survey is simply to ascertain overall support for suggested options. There may be other options that occur to you - by all means suggest these to us we would appreciate all constructive input at this time.

Also included with this statement is a document entitled "The Licensing Of Amateur Repeaters, Beacons, And Links - An Update" by Doug Ingham ZL2TAR, Secretary of FMTAG. This explains the workings of the SMART system that has been instituted by MED.

73 Bruce Douglas ZL2WP

Created on 17 September 2006