Radiocommunications (Prohibited Device) (Mobile Telephone Jamming Devices) Exemption Determination 2004

The AUSTRALIAN COMMUNICATIONS AUTHORITY makes this Determination under subsection 27 (2) of the Radiocommunications Act 1992.

Dated 25 August 2004

R HORTON
Chair

A HORSLEY
Deputy Chair

1 Name of Determination

This Determination is the Radiocommunications (Prohibited Device) (Mobile Telephone Jamming Devices) Exemption Determination 2004.

2 Commencement

This Determination commences on the date of its notification in the Gazette.

3 Definitions

In this Determination:


Defence Force has the meaning given by section 30 of the Defence Act 1903.
**Department of Defence** means the Department administered by the Minister for Defence.

**member of a civilian component of a visiting force** has the meaning given by subsection 5 (3) of the *Defence (Visiting Forces) Act* 1963.

**member of a visiting force** has the meaning given by subsection 5 (2) of the *Defence (Visiting Forces) Act* 1963.

**mobile telephone jamming device** means a device designed:

(a) to operate within the frequency bands 870-960 MHz or 825-845 MHz; and

(b) to interfere with, disrupt or disturb radiocommunications.

**visiting force** has the meaning given by subsection 5 (1) of the *Defence (Visiting Forces) Act* 1963.

### 4 Exemption — Defence and related persons

(1) For subsection 27 (2) of the Act, an act or omission by a person mentioned in subsection (2) to whom paragraph 27 (1) (a) of the Act applies is exempt from section 189 and Part 4.2 of the Act in relation to:

(a) the operation or supply of a mobile telephone jamming device; and

(b) the possession, for the purpose of operation or supply, of a mobile telephone jamming device.

(2) For subsection (1), the persons are the following:

(a) a member of the Defence Force, or an officer of the Department of Defence, in the performance of his or her functions as such a member or officer;

(b) the Defence Force;

(c) the Department of Defence;

(d) a person supplying a mobile telephone jamming device to the Defence Force or the Department of Defence in accordance with a written contract signed by:

   (i) the person; and

   (ii) a member of the Defence Force, or an officer of the Department of Defence, in the performance of his or her functions as such a member or officer;

(e) a member of a visiting force;

(f) a member of a civilian component of a visiting force;

(g) a person supplying a mobile telephone jamming device to a visiting force in accordance with a written contract approved in writing by a member of the Defence Force, or an officer of the Department of Defence, in the performance of his or her functions as such a member or officer.