Radiocommunications (Prohibited Devices) (AFP testing of mobile telephone jamming devices) Exemption Determination 2006

as amended

made under subsection 27 (2) of the

Radiocommunications Act 1992

This compilation was prepared on 14 May 2007 taking into account amendments up to Radiocommunications (Prohibited Devices) (AFP testing of mobile telephone jamming devices) Exemption Amendment Determination 2007

[Note: This Determination ceases to have effect at the end of 15 months after the day on which it commences, see section 3]

Prepared by the Office of Legislative Drafting and Publishing, Attorney-General’s Department, Canberra
## Contents

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Name of Determination [see Note 1]</td>
<td>3</td>
</tr>
<tr>
<td>2. Commencement [see Note 1]</td>
<td>3</td>
</tr>
<tr>
<td>3. Determination ceases to have effect</td>
<td>3</td>
</tr>
<tr>
<td>4. Definitions</td>
<td>3</td>
</tr>
<tr>
<td>5. Exemption for trial period — AFP personnel</td>
<td>3</td>
</tr>
<tr>
<td>6. Exemption for trial period — Telstra staff engaged under agreement</td>
<td>4</td>
</tr>
<tr>
<td>7. Exemption for trial period — persons importing equipment on behalf of AFP</td>
<td>5</td>
</tr>
</tbody>
</table>

## Notes

Page 6

Federal Register of Legislative Instruments F2007C00307
1 Name of Determination [see Note 1]
This Determination is the Radiocommunications (Prohibited Devices) (AFP testing of mobile telephone jamming devices) Exemption Determination 2006.

2 Commencement [see Note 1]
This Determination commences on the day after it is registered.

3 Determination ceases to have effect
This Determination ceases to have effect at the end of 15 months after the day on which it commences.

4 Definitions
In this Determination:
AFP means Australian Federal Police.
mobile telephone jamming device means a device designed to interfere with, disrupt or disturb radiocommunications frequencies that are used to support the public mobile telecommunications service.
public mobile telecommunications service has the meaning given by section 32 of the Telecommunications Act 1997.
Telstra has the same meaning as in the Telstra Corporation Act 1991.
Telstra (shielded room) testing facility means Telstra’s shielded room testing facility at 87 Marsden Street, Parramatta in New South Wales.
trial period means the period:
(a) commencing on the day this section commences; and
(b) ending 15 months after this section commences.

5 Exemption for trial period — AFP personnel
(1) For subsection 27 (2) of the Act, an act or omission by a person mentioned in paragraph 27 (1) (b) of the Act is exempt from sections 46, 47 and 189 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;
if the act is done, or the omission occurs, in the circumstances mentioned in subsection (2).
(2) The circumstances are that:
   (a) the person is a member of the AFP; and
   (b) the act is done, or the omission occurs, during the trial period; and
   (c) the act or omission involves a mobile telephone jamming device imported by or on behalf of the AFP during the trial period; and
   (d) the number of mobile telephone jamming devices imported by or on behalf of the AFP during the trial period does not exceed 10; and
   (e) the act is done, or the omission occurs, in the Telstra (shielded room) testing facility; and
   (f) the act or omission is covered, or provided for, by the terms of an agreement between the AFP and ACMA that relates to the use of mobile telephone jamming devices by the AFP during the trial period.

6 Exemption for trial period — Telstra staff engaged under agreement

(1) For subsection 27 (2) of the Act, an act or omission by a person mentioned in paragraph 27 (1) (b) of the Act is exempt from sections 46, 47 and 189 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;

if the act is done, or the omission occurs, in the circumstances mentioned in subsection (2).

(2) The circumstances are that:
   (a) the act is done, or the omission is made, by a person who is an employee of Telstra, and who is contracted:
      (i) for part or all of the trial period; and
      (ii) by a person mentioned in paragraph 27 (1) (b) of the Act who is a member of the AFP;

   to provide technical expertise under a written agreement; and
   (b) the act is done, or the omission occurs, during the trial period; and
   (c) the act or omission involves a mobile telephone jamming device imported by or on behalf of the AFP during the trial period; and
   (d) the number of mobile telephone jamming devices imported by or on behalf of the AFP during the trial period does not exceed 10; and
   (e) the act is done, or the omission occurs, in the Telstra (shielded room) testing facility; and
   (f) the act or omission is covered, or provided for, by the terms of an agreement between the AFP and ACMA that relates to the use of mobile telephone jamming devices by the AFP during the trial period.
7 **Exemption for trial period — persons importing equipment on behalf of AFP**

(1) For subsection 27 (2) of the Act, an act or omission by a person mentioned in paragraph 27 (1) (b) of the Act is exempt from sections 46, 47 and 189 of the Act in relation to:

(a) the importation 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;

if the act is done, or the omission occurs, in the circumstances mentioned in subsection (2).

(2) The circumstances are that:

(a) the person possesses the device during the trial period; and

(b) the importation or supply is made on behalf of the AFP; and

(c) the importation or supply is made during the trial period; and

(d) the person does not use the device.
Notes to the Radiocommunications (Prohibited Devices) (AFP testing of mobile telephone jamming devices) Exemption Determination 2006

Table of Instruments

Notes to the Radiocommunications (Prohibited Devices) (AFP testing of mobile telephone jamming devices) Exemption Determination 2006

Note 1
The Radiocommunications (Prohibited Devices) (AFP testing of mobile telephone jamming devices) Exemption Determination 2006 (in force under section 27 (2) of the Radiocommunications Act 1992) as shown in this compilation is amended as indicated in the Tables below.

Table of Instruments

<table>
<thead>
<tr>
<th>Title</th>
<th>Date of FRLI registration</th>
<th>Date of commencement</th>
<th>Application, saving or transitional provisions</th>
</tr>
</thead>
</table>
Table of Amendments

<table>
<thead>
<tr>
<th>Provision affected</th>
<th>How affected</th>
</tr>
</thead>
<tbody>
<tr>
<td>S. 3...................</td>
<td>rs. F2007L01376</td>
</tr>
<tr>
<td>S. 4...................</td>
<td>am. F2007L01376</td>
</tr>
</tbody>
</table>

ad. = added or inserted  am. = amended  rep. = repealed  rs. = repealed and substituted