



Notification that the Australian Communications Authority prohibits the operation or supply, or possession for the purpose of operation or supply, of specified devices Amendment Declaration 2006 (No. 1)

Radiocommunications Act 1992

The AUSTRALIAN COMMUNICATIONS AND MEDIA AUTHORITY makes this Declaration under section 190 of the *Radiocommunications Act 1992*.

Dated 12th October 2006

CHRIS CHAPMAN
Chair

LYN MADDOCK
Deputy Chair

Australian Communications and Media Authority

1 Name of Declaration

This Declaration is the *Notification that the Australian Communications Authority prohibits the operation or supply, or possession for the purpose of operation or supply, of specified devices Amendment Declaration 2006 (No. 1)*.

2 Commencement

This Declaration commences on the day after it is registered.

3 Amendment of Notification that the Australian Communications Authority prohibits the operation or supply, or possession for the purpose of operation or supply, of specified devices

Schedule 1 amends the Notification that the Australian Communications Authority prohibits the operation or supply, or possession for the purpose of operation or supply, of specified devices, made by the Australian Communications Authority on 4 March 1999.

Schedule 1 Amendments

(section 3)

[1] Title

omit each mention of

AUSTRALIAN COMMUNICATIONS AUTHORITY

insert

AUSTRALIAN COMMUNICATIONS AND MEDIA AUTHORITY

[2] Notice, after first paragraph

insert

Exemption — trial on board an aircraft

This declaration does not prohibit the operation of a device if:

- (a) the operation of the device is authorised under a scientific assigned apparatus licence for a trial on board an aircraft issued by ACMA under subsection 100 (1) of the *Radiocommunications Act 1992*; and

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- (b) the device is operated in accordance with any conditions specified in the licence mentioned in paragraph (a).

This declaration does not prohibit the possession or supply of a device if:

- (a) the operation of the device is authorised under a scientific assigned apparatus licence for a trial on board an aircraft issued by ACMA under subsection 100 (1) of the *Radiocommunications Act 1992*; and
- (b) the device is:
- (i) supplied to; or
 - (ii) possessed for the purpose of supply to; or
 - (iii) possessed by;
- a person who holds a licence mentioned in paragraph (a).

In this declaration:

trial on board an aircraft means the operation of a device on board an aircraft only if:

- (a) the aircraft is in flight; and
- (b) the device is operated in order to test the efficacy or suitability of the device for the control of the use of mobile telephones on board the aircraft.

[3] Reasons for declaration, first paragraph

omit

prohibited.

insert

prohibited, unless the circumstances specified above in the prohibition exist.

[4] Reasons for declaration, third dot point

omit

the ACA's knowledge

insert

the Authority's knowledge

[5] Reasons for declaration, fourth dot point

omit

the ACA

insert

the Authority