



Notification that the Australian Communications and Media Authority prohibits the operation or supply, or possession for the purpose of operation or supply, of specified devices Amendment Declaration 2009 (No. 1)¹

Radiocommunications Act 1992

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

Dated 13th January 2009

Chris Chapman
[signed]
Member

Lyn Maddock
[signed]
Member

Australian Communications and Media Authority

1 Name of Declaration

This Declaration is the *Notification that the Australian Communications and Media Authority prohibits the operation or supply, or possession for the purpose of operation or supply, of specified devices Amendment Declaration 2009 (No. 1)*.

2 Commencement

This Declaration commences on the day after it is registered.

3 Amendment of Notification that the Australian Communications and Media 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 and Media Authority prohibits the operation or supply, or possession for the purpose of operation or supply, of specified devices, dated 4 March 1999.

Schedule 1 Amendments

(section 3)

[1] Notice, subheading after first paragraph

substitute

Exemption — facilitating service on board an aircraft

[2] Notice, second paragraph

substitute

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

- (a) the device is designed to facilitate a cellular mobile telephone service on board an aircraft that operates on another frequency; and
- (b) the device is operated for that purpose.

[3] Notice, third paragraph

substitute

This declaration does not prohibit the possession or supply of a device if the device is designed to facilitate a cellular mobile telephone service on board an aircraft that operates on another frequency.

[4] Notice, before definition of *trial on board an aircraft*

insert

cellular mobile telephone service has the same meaning as in the *Radiocommunications (Interpretation) Determination 2000*.

[5] Notice, definition of *trial on board an aircraft*

omit

[6] Reasons for declaration, second dot point

substitute

- mobile telephone jamming devices can be used to deliberately disrupt licensed radiocommunications services, including those services not specifically targeted by the jammers. These could include Defence radar and fixed point to point services that could be affected because they operate in the same frequency band;

[7] Reasons for declaration, third dot point

omit

they could not be licensed under normal circumstances.

insert

they could be licensed only in the limited circumstances specified above in the prohibition.

[8] Reasons for declaration, third dot point

after

operation of the device

insert

outside those limited circumstances

[9] Reasons for declaration, fourth dot point

substitute

- devices prohibited by this declaration do not comply with the *Radiocommunications 900 MHz Band Plan 1992*. Operation of a device which is not in accordance with a band plan may only be authorised by the Authority in the circumstances set out in section 104 of the Act. The operation must be for specified purposes, such as an event of international significance, or else the operation must be in the public interest. An authorisation can only be for 30 days and may only be renewed once. Mobile telephone jamming devices do not meet any of the criteria in section 104.

[10] Reasons for declaration, fifth dot point*omit*

when their operation is not permitted under any circumstances.

insert

if their operation is not permitted.

Note

1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See <http://www.frli.gov.au>.

4 *Notification that the Australian Communications and Media Authority prohibits the operation or supply, or possession for the purpose of operation or supply, of specified devices Amendment Declaration 2009 (No. 1)*