



# **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 2008 (No. )<sup>1</sup>**

*Radiocommunications Act 1992*

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

Dated 2008

Member

Member

**[CONSULTATION DRAFT ONLY — NOT FOR SIGNATURE]**  
Australian Communications and Media Authority

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**CONSULTATION DRAFT ONLY**

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**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 2008 (No. )*.

**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.

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## Schedule 1 Amendments

(section 3)

### [1] Notice, subheading after first paragraph

*omit*

trial on board an aircraft

*insert*

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 within another frequency band; 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 within another frequency band.

### [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

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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.

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**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>.