

AUSTRALIAN COMMUNICATIONS AUTHORITY

DECLARATION OF PROHIBITED CUSTOMER EQUIPMENT MOBILE PHONE BOOSTER AMPLIFIERS FOR GLOBAL SYSTEM FOR MOBILES ("GSM") AND CODE DIVISION MULTIPLE ACCESS ("CDMA") MOBILE TELECOMMUNICATIONS SERVICES

The Australian Communications Authority ("the Authority") declares that the operation or supply, or possession for the purpose of operation or supply, of mobile phone booster amplifiers designed to operate in the frequency bands used by GSM and CDMA services and that do not comply with the applicable standards made under Section 376 of the *Telecommunications Act 1997* ("the Act") is prohibited.

This declaration does not apply to possession of mobile phone booster amplifiers:

- that are imported into or manufactured within Australia for the purpose of verifying whether the item complies with applicable standards made under section 376 of the Act; and
- that are manufactured or imported solely to be exported.

The Authority makes this declaration under section 450 of the Act.

Dated *9th May* 2001



Deputy Chair

Australian Communications Authority

REASONS FOR DECLARATION

The declaration will prohibit the operation or supply, or possession for the purpose of operation or supply, of non compliant examples of the device commonly known as a mobile phone booster amplifier. The prohibition will not apply to mobile phone booster amplifiers that are imported into Australia for the purpose of verifying whether the device complies with applicable standards made under section 376 of the Act or boosters manufactured or imported solely for export.

The Authority has made this decision after seeking public comment about the matter as required under section 451 of the Act.

The Authority has decided to make this declaration for the following reasons:

- whilst there is scope for the use of compliant devices which boost the signals of both GSM and CDMA mobile telecommunications services, non-compliant mobile phone booster amplifiers would be likely to substantially interfere with, or disrupt or disturb, public mobile telephone services and have serious adverse consequences for public mobile telephone users by:
 - having an adverse effect on the integrity of the mobile telecommunications network;
 - jeopardising the quality and coverage of legitimate carrier services;
 - impeding access to emergency services; and
 - causing inconvenience to, or loss of business for, mobile telephone users.
- the operation of these devices is also a breach of licensing conditions for devices operating in the GSM and CDMA bands under the *Radiocommunications Act 1992* (the *Radiocommunications Act*). These devices could not be licensed under normal circumstances. Operation, or possession for the purpose of operation, of a radiocommunications device without an appropriate licence is an offence under sections 46 and 47 of the *Radiocommunications Act*;
- use of a non-compliant and unlicensed mobile phone booster amplifier may be an offence under section 194 of the *Radiocommunications Act* (interference likely to endanger safety or cause loss or damage) and section 197 of the *Radiocommunications Act* (knowingly or recklessly doing a thing likely to interfere substantially with radiocommunications); and
- it is unfair to consumers to allow the sale of mobile telephone booster devices when their operation is not permitted under any circumstances. It is equitable, efficient and effective to focus regulatory attention on the sellers and suppliers of mobile telephone booster devices, while continuing to target individual users if the need arises.