



TELSTRA CORPORATION LIMITED

Submission to ACMA consultation on: New Arrangements for the Banned Equipment and Exemptions Framework

Public Submission

12 August 2022



Response to consultation paper

We welcome the opportunity to provide this submission to the ACMA's consultation on **New Arrangements for the Banned Equipment and Exemptions Framework** (IFC 23/2022).

We refer the ACMA to the Australian Mobile Telecommunication Association's (AMTA) submission, which we have contributed to and reviewed. We fully support AMTA's submission. The purpose of our submission is to underscore some of the key points in their submission.

We support the principles the ACMA has used to develop the new arrangements for the banned equipment and exemption framework, including the general objective of harmonisation and the use of new powers afforded to the ACMA under the Radiocommunications Act 1992.

However, like AMTA we are concerned the ACMA's approach in redeveloping the framework will have the effect of reducing (limiting) the scope of existing prohibitions on banned devices. This introduces the risk of interference to mobile networks. We consider it far better to have the prohibition instruments apply the ban on any devices that have the *effect* of jamming communications. As AMTA posits, from a practical perspective, this means interference issues will have to be managed solely through the ACMA's interference management processes, which is an inferior approach to having a permanent ban on such equipment.

We are also concerned that the exemption clauses in both the PMTS Jammer prohibition and the RLAN Jammer prohibition are inadequate, as they exempt devices that are designed to be used as carriage services. As AMTA observes, this could have the unintended consequence of allowing PMTS Jamming Equipment to be deployed so long as it is being used to "shield" the supply of a carriage service.

Finally, we share AMTA's concerns regarding the transparency and notification procedures. We support the approach outlined in the Notification Arrangements section in the proposed Information for users and stakeholders guide.¹ We consider the approach of establishing appropriate notification procedures in collaboration with the ACMA and law enforcement agencies will result in appropriate notification mechanisms. The concern we share with AMTA therefore, is that if it is only published as a guide, it is not enforceable. We support ATMA's proposal that the guide be finalised as formal advisory guidelines issued under section 262 of the *Radiocommunications Act 1992*.

¹ Consultation Attachment G, proposed ***Use of banned equipment under the Radiocommunications Act 1992 by law enforcement and related persons; Information for users and stakeholders.***