



Radiocommunications (Jamming Equipment) Permanent Ban 2023

The Australian Communications and Media Authority makes the following permanent ban under subsection 172(1) and section 174 of the *Radiocommunications Act 1992*.

Dated: 9 MARCH 2023



Member



Member/General Manager

Australian Communications and Media Authority

1 Name

This is the *Radiocommunications (Jamming Equipment) Permanent Ban 2023*.

2 Commencement

This instrument commences at the start of the day after the day it is registered on the Federal Register of Legislation.

Note: The Federal Register of Legislation is available, free of charge, at www.legislation.gov.au.

3 Authority

This instrument is made under subsection 172(1) and section 174 of the Act.

4 Revocation

- (1) The *Radiocommunications (Prohibition of PMTS Jamming Devices) Declaration 2011* [F2011L00346] is revoked with effect on the day this instrument commences.
- (2) The *Radiocommunications (Prohibited Device) (RNSS Jamming Devices) Declaration 2014* [F2014L01776] is revoked with effect on the day this instrument commences.

Note 1: See item 49 of Schedule 4 to the *Radiocommunications Legislation Amendment (Reform and Modernisation) Act 2020*.

Note 2: See section 174 of the Act.

5 Interpretation

- (1) In this instrument, unless the contrary intention appears:

Act means the *Radiocommunications Act 1992*.

communications has the meaning given by section 7 of the *Telecommunications Act 1997*.

industrial, scientific, medical or domestic application means the operation of a device to generate, and apply locally, electromagnetic energy:

- (a) for industrial, scientific, medical, domestic or similar purposes; and
- (b) not for the purpose of radiocommunications.

Examples: The following things may be used in an industrial, scientific, medical or domestic application:

- (a) plastic welders;
- (b) chemical analysis equipment;
- (c) medical diathermy equipment;
- (d) microwave ovens.

LIPD class licence means:

- (a) the *Radiocommunications (Low Interference Potential Devices) Class Licence 2015*; or
- (b) if another class licence replaces that instrument – the other class licence.

mobile station has the meaning (if any) given by:

- (a) the *Radiocommunications (Interpretation) Determination 2015*; or
- (b) if another determination is made under subsection 64(1) of the *Australian Communications and Media Authority Act 2005* to replace that instrument – the other determination.

PMTS frequency band means a frequency band used for the supply of a public mobile telecommunications service.

PMTS jamming equipment: see section 6.

public mobile telecommunications service has the meaning given by subsection 32(1) of the *Telecommunications Act 1997*.

radionavigation-satellite service has the meaning given by the spectrum plan.

RLAN and RPAS frequency bands means the following frequency bands:

- (a) 433.05 MHz to 434.79 MHz;
- (b) 915 MHz to 928 MHz;
- (c) 2400 MHz to 2483.5 MHz;
- (d) 5150 MHz to 5350 MHz;
- (e) 5470 MHz to 5600 MHz;
- (f) 5650 MHz to 5875 MHz;
- (g) 5925 MHz to 6425 MHz.

RLAN and RPAS jamming equipment: see section 7.

RLAN device means a radiocommunications device:

- (a) that is capable of operating on a frequency within an RLAN and RPAS frequency band (whether or not it is capable of operating on another frequency); and
- (b) the operation of which is authorised by the LIPD class licence; and
- (c) that is used for the purposes of a radio local area network.

Note: RLAN stands for radio local area network.

RNSS frequency band means a frequency band for which the spectrum plan specifies the purpose of radionavigation-satellite services.

RNSS jamming equipment: see section 8.

RNSS receiver means a radiocommunications receiver that receives radiocommunications using an RNSS frequency band.

RNSS transmitter means a radiocommunications transmitter that transmits radiocommunications using an RNSS frequency band.

RPA means a remotely piloted aircraft.

Note: A remotely piloted aircraft is commonly referred to as a drone.

RPAS means a remotely piloted aircraft system that includes an RPA, the ground-based controller for the RPA, and the system of communications between the RPA and the controller.

RPAS device means a radiocommunications device:

- (a) that is capable of operating on a frequency within an RLAN and RPAS frequency band (whether or not it is capable of operating on another frequency); and
- (b) that is operated for the purpose of controlling an RPA or in the course of using a RPAS.

two-way communication equipment means equipment the principal purpose of which is the carriage of communications both:

- (a) from a person or thing to one or more other persons or things; and

- (b) from one or more of the other persons or things to the first-named person or thing in paragraph (a).

Note: A number of other expressions used in this instrument are defined in the Act, including the following:

- (a) device;
- (b) equipment;
- (c) frequency band;
- (d) operate;
- (e) radiocommunication;
- (f) radiocommunications device;
- (g) radiocommunications receiver;
- (h) radiocommunications transmitter;
- (i) radio emission;
- (j) spectrum plan.

- (2) In this instrument, a reference to a frequency band includes all frequencies that are greater than but not including the lower frequency, up to and including the higher frequency.

Note: This means the lower number in the reference to a frequency band is not included in the frequency band.

6 PMTS jamming equipment

- (1) Subject to subsection (2), each of the following is **PMTS jamming equipment**:
- (a) equipment that is both:
 - (i) designed to have an adverse effect on radiocommunications; and
 - (ii) capable of operating on a frequency within a PMTS frequency band (whether or not it is capable of operating on another frequency);
 - (b) equipment that is designed to block radio emissions between:
 - (i) a base station used in the provision of a public mobile telecommunications service; and
 - (ii) a mobile station;
- whether or not the equipment is designed to have other purposes or consequences.
- (2) Despite subsection (1), two-way communication equipment is not **PMTS jamming equipment**.

7 RLAN and RPAS jamming equipment

- (1) Subject to subsections (2) and (3), **RLAN and RPAS jamming equipment** means equipment that:
- (a) is capable of operating on a frequency within an RLAN and RPAS frequency band (whether or not it is capable of operating on another frequency); and
 - (b) is designed to do one or more of the following:
 - (i) have an adverse effect on radiocommunications; or
 - (ii) block radio emissions between two or more RLAN devices (whether or not the equipment is designed to have other purposes or consequences); or
 - (iii) block radio emissions between two or more RPAS devices (whether or not the equipment is designed to have other purposes or consequences).
- (2) Despite subsection (1), if the principal purpose of equipment is an industrial, scientific, medical, or domestic application, the equipment is not **RLAN and RPAS jamming equipment**.

- (3) Despite subsection (1), two-way communication equipment is not *RLAN and RPAS jamming equipment*.

8 RNSS jamming equipment

- (1) Subject to subsection (2), each of the following is *RNSS jamming equipment*:
- (a) equipment that is:
 - (i) designed to have an adverse effect on radiocommunications; and
 - (ii) capable of operating on a frequency within an RNSS frequency band (whether or not it is capable of operating on another frequency);
 - (b) equipment that is designed to block radio emissions between:
 - (i) an RNSS transmitter; and
 - (ii) an RNSS receiver;
- whether or not the equipment is designed to have other purposes or consequences.
- (2) Despite subsection (1), if equipment is designed to transmit information that can be used to determine both:
- (a) the location of an RNSS receiver; and
 - (b) the local time at that location, when that location is determined;
- the equipment is not *RNSS jamming equipment*.

Note 1: The information mentioned in subsection (2) is sometimes called Positioning, Navigation and Timing information.

Note 2: The information mentioned in subsection (2) is necessary, but may not be sufficient to determine the location of an RNSS receiver, and the local time at that location, when that location is determined.

9 References to other instruments

In this instrument, unless the contrary intention appears:

- (a) a reference to any other legislative instrument is a reference to that other legislative instrument as in force from time to time; and
- (b) a reference to any other kind of instrument or writing is a reference to that other instrument or writing as in force, or existing, from time to time.

Note 1: For references to Commonwealth Acts, see section 10 of the *Acts Interpretation Act 1901*; and see also subsection 13(1) of the *Legislation Act 2003* for the application of the *Acts Interpretation Act 1901* to legislative instruments.

Note 2: All Commonwealth Acts and legislative instruments are registered on the Federal Register of Legislation.

Note 3: See section 314A of the Act.

10 Permanent bans

- (1) A permanent ban is imposed on PMTS jamming equipment.
- (2) A permanent ban is imposed on RLAN and RPAS jamming equipment.
- (3) A permanent ban is imposed on RNSS jamming equipment.
- (4) The permanent ban in each of subsections (1), (2) and (3) comes into force on the day this instrument commences.

Note: See section 173 of the Act.

