Australian Government | acma Australian Communications and Media Authority

Innovation and industry development exemption framework

Information for applicants

OCTOBER 2026

Canberra
Level 3
40 Cameron Avenue
Belconnen ACT

PO Box 78
Belconnen ACT 2616

T +61 2 6219 5555
F +61 2 6219 5353

Melbourne
Level 32
Melbourne Central Tower
360 Elizabeth Street
Melbourne VIC

PO Box 13112
Law Courts
Melbourne VIC 8010

T +61 3 9963 6800
F +61 3 9963 6899

Sydney
Level 5
The Bay Centre
65 Pirrama Road
Pyrmont NSW

PO Box Q500
Queen Victoria Building
NSW 1230

T +61 2 9334 7700
F +61 2 9334 7799

Copyright notice



https://creativecommons.org/licenses/by/4.0/

Except for the Commonwealth Coat of Arms, logos, emblems, images, other third-party material or devices protected by a trademark, this content is made available under the terms of the Creative Commons Attribution 4.0 International (CC BY 4.0) licence.

All other rights are reserved.

The Australian Communications and Media Authority has undertaken reasonable enquiries to identify material owned by third parties and secure permission for its reproduction. Permission may need to be obtained from third parties to re-use their material.

We request attribution as © Commonwealth of Australia (Australian Communications and Media Authority) 2026.

Contents

Introduction **1**
Purpose of this document 1
Banned equipment 1
Exemptions 2
Innovation and industry development exemption framework under section 302 2
Further information and contact information 3

Innovation and industry development exemption framework overview **4**
Objectives 4
Four key elements 4
Activities that can be facilitated 5
Activities that cannot be facilitated 6
Importing banned equipment 7
Exporting banned equipment 7
ACMA charges for services 7

How the framework operates **8**

Information sharing arrangements **13**
Why we engage and share information 13
What kind of information we share (and do not share) 14

Assessing compliance **16**
Requesting records and auditing compliance 16
Our response to non-compliance 16

Applying for another notifiable instrument **18**

What to include in your application **19**
Specify the permanent ban that applies to your equipment 19
Specify frequencies on which your banned equipment operates 20
Specify power levels, out-of-band emissions and antenna information 20
Specify the general purpose of your activities 20
Demonstrate that your application is in the public interest 20
Demonstrate that you can comply with the conditions 21
Provide an interference assessment and technical information 22

Contents (Continued)

Assessing banned equipment against exposure limits in ARPANSA Standard 22
Applying for operational/open-air testing under section 193 of the Act 23

Questions to ask yourself before you apply 25
FAQs 26
Other general guidance 27

Introduction

Purpose of this document

This document provides information about applying to access the innovation and industry development exemption framework.

This document:

- helps you prepare applications to access banned equipment
- provides information about the assessment process
- provides information about our administration of the exemption arrangements, including compliance, information sharing and engaging with stakeholders.

Banned equipment

Under the *Radiocommunications Act 1992* (the Act), the Australian Communications and Media Authority (ACMA) manages a suite of legislative instruments collectively referred to as the 'banned equipment and exemptions framework'. The framework comprises bans on certain equipment and exemptions that can facilitate access to banned equipment under certain conditions.

We may impose permanent bans on certain equipment. Permanent bans on equipment are made under section 172 of the Act.

We have imposed a permanent ban, called the Radiocommunications (Jamming Equipment) Permanent Ban 2023 (the Permanent Ban).

The Permanent Ban specifies, and imposes a permanent ban on, 3 types of equipment:

- RNSS[1] jamming equipment (commonly referred to as a GPS jammer)
- PMTS[2] jamming equipment (commonly referred to as a mobile phone jammer)
- RLAN and RPAS[3] jamming equipment (commonly referred to as a Wi-Fi or drone jammer).

There are criminal and civil penalties associated with the possession, operation, offer to supply, and supply of equipment subject to a permanent ban.[4]

[1] RNSS means radionavigation-satellite service.
[2] PMTS means public mobile telecommunications service.
[3] RLAN means radio local area network; RPAS means remotely piloted aircraft system.
[4] The ACMA may also impose interim, or 'short term' bans on equipment. The innovation and industry development framework does not interact with interim bans. 'Banned equipment' in this document refers to equipment subject to a permanent ban made under section 172 of the Act.

Exemptions

There are 2 types of exemptions that we can make under the Act:

- **Section 27 exemptions**

  These exemptions can only be accessed by a narrow range of persons, generally having functions or duties in relation to defence, national security, law enforcement or emergency services. These exemptions are generally intended to facilitate operational security, safety and strategic outcomes. The persons specified in section 27 do not include industry stakeholders. This document does not deal with section 27 exemptions.

- **Section 302 exemptions** (including innovation and industry development exemptions)

  These exemptions can facilitate limited and controlled access to, and use of, banned equipment by a wider range of persons than exemptions made under section 27. They cannot facilitate general operational use of banned equipment.

Innovation and industry development exemption framework under section 302

We have made the Radiocommunications (Exemption) Determination 2024 (the Exemption Determination) under section 302 of the Act. The Exemption Determination serves as the principal authorisation for the innovation and industry development exemption framework.

The innovation and industry development exemption framework promotes innovation and industry development opportunities in Australia. Innovation and industry development outcomes can normally be achieved through business-as-usual radiocommunications licensing, including scientific licensing (usually short-term apparatus licences for testing and trialling of equipment). However banned equipment can be incompatible with the licensing system, and the risks associated with its use generally mean that it needs to be regulated differently to other radiocommunications devices and equipment.

To access banned equipment under the Exemption Determination, you must apply to the ACMA to make a notifiable instrument in your name for the purposes of the Exemption Determination. The notifiable instrument essentially functions like a permit.

Further information and contact information

Further information about the innovation and industry development framework can be found on our website.

If you have read this document, and have further questions, you can email us at: spectrumlicensingpolicy@acma.gov.au.

If you wish to apply to access the framework, you can fill out *Form R501 Innovation and industry development exemption framework – application for notifiable instrument*, attach the relevant evidence and supporting information, and email your application to: spectrumlicensingpolicy@acma.gov.au.

Alternatively, you can send applications by post to:

The Manager
Spectrum Licensing Policy Section
Australian Communications and Media Authority
PO Box 13112
Law Courts
Melbourne VIC 8010

Innovation and industry development exemption framework overview

Objectives

The objectives of the framework are to:

- create innovation and commercial opportunities for Australian industry
- manage the risks associated with the operation, possession and supply of banned equipment
- complement existing regulatory frameworks and operational policies and processes
- be transparent, robust and as flexible as practicable for the ACMA and exempted persons in the ongoing administration of exemption arrangements.

Four key elements

To realise these objectives, the framework has 4 key elements.

1. Exemptions must be in the public interest

We must not grant a person access to the framework unless doing so would be in the public interest. In assessing the public interest, we will have regard to the objects set out in section 3 of the Act, as well as public interest outcomes that could be achieved – see 'What to include in an application' below.

2. A risk-based approach to assessing applications

People can apply to access the framework. The application will need to specify the activities the person wishes to undertake, demonstrate that the person can comply with the conditions of the Exemption Determination, and that they can manage the risks associated with possessing, operating and supplying banned equipment. We will assess applications, engage with relevant stakeholders, and form a view as to whether a person can meet the conditions of the Exemption Determination.

3. A permit system of notifiable instruments, and standard conditions

Before being authorised under the Exemption Determination, a person must be named in a notifiable instrument. The notifiable instrument functions as a permit, and it must be registered on the Federal Register of Legislation (FRL) by the ACMA. It will also be recorded on our website.

All activities are subject to the same standard conditions:

- Compliance with electromagnetic energy emission limits in places accessible to the public (section 8 of the Exemption Determination).
- Banned equipment can only be operated in one or more of the following scenarios (section 10 of the Exemption Determination):
  - when connected to a dummy load (see subsection 5(2) of the Exemption Determination)
  - inside a screened room
  - in accordance with a separate written permission issued by the ACMA under section 193 of Act.

- Banned equipment can only be supplied to specified persons (section 11 of the Exemption Determination).
- Persons need to create, retain and provide records to the ACMA (sections 12, 13 and 14 of the Exemption Determination).

4. An audit and review process

Records must be created when coming into possession of banned equipment, and when operating and supplying banned equipment. Records must be kept for at least 5 years, and we have the power to request that those records be provided to us.

Our approach to auditing and reviewing compliance under the framework is set out in 'Assessing compliance' below.

Activities that can be facilitated

The framework can facilitate a range of beneficial activities involving banned equipment. We anticipate that these activities are likely to fall into one or more of 4 general categories.

Research and development (R&D) and manufacturing of banned equipment for defence, law enforcement and overseas persons

Banned equipment developed and manufactured by the private sector and by the Australian defence industry can be critical to law enforcement, the Australian Defence Force and Department of Defence activities. Private sector and Australian defence industry persons can, in some cases, access banned equipment under separate exemption arrangements established under sections 24, 25, 26 and 27 of the Act.[5] However, they will not always be appropriate for the specific case. In such cases, R&D and manufacturing of banned equipment can be facilitated by the Exemption Determination.

Evaluating equipment using banned equipment

Industry, academia and research bodies may have a legitimate need to possess, operate or supply banned equipment to achieve a range of commercial, scientific, safety or security objectives. Banned equipment may be an input into realising these objectives **–** for example, it may be important to understand how susceptible GPS-enabled equipment used for safety-critical applications or regulatory compliance is to deliberate or incidental interference from banned equipment.

Testing and trialling new technologies

New technologies **–** often intended for public purpose outcomes **–** can be, or can incorporate, banned equipment. In some cases, a permanent ban may apply to devices that were not invented when the ban was made. Where the benefits associated with, and feasible use of, such technology is uncertain, or before considering whether the use of such technologies should be facilitated through regulatory reform, the Exemption Determination can be used to

[5] Under sections 24, 25 and 26 of the Act, specified parts of the Act (Parts 3.1, 4.1 and 4.2), do not apply generally, or in certain circumstances, to the Defence Force, the Department of Defence and certain other agencies, such as the Australian Security Intelligence Organisation. The Act provides a legislative exemption (that is, an exemption that does not rely on the exercise of the ACMA's discretion) for authorised Defence suppliers. Under section 10B of the Act, an *authorised defence supplier* is a person who: (a) is a party to a written agreement for the supply of goods or services to the Defence Force or the Defence Department; and (b) is approved in writing by a member of the Defence Force or an officer of the Defence Department. Exemptions under section 27 of the Act are typically issued in favour of law enforcement and similar bodies in relation to specific activities, and these instruments can, in some cases, exempt third parties.

facilitate testing and limited trialling. This can be a sensible interim step before deciding whether regulatory reform may be warranted.

Limited operational/open-air testing of banned equipment carried on or by specified persons

Section 193 of the Act allows a person to, with our written permission, use a transmitter in a way that the person knows is likely to interfere substantially with radiocommunications carried on by, or on behalf of, the Australian Federal Police or the police force of a state or territory (collectively, Australian Police), or a Prescribed Organisation specified in section 8 of the Radiocommunications Regulations 2023.

Australian Police and Prescribed Organisations may have an interest in operational testing or demonstrations of banned equipment.

We will consider, and engage with stakeholders on, facilitating these activities on a case-by-case basis using written permissions issued under section 193 of the Act. Such permissions will be registered on the FRL and on our website.

Activities that cannot be facilitated

General exemption from licensing requirements

All radiocommunications devices[6] in Australia need to be licensed. In some cases, an item of banned equipment may be, or may incorporate, a radiocommunications device (or vice versa). In such circumstances, the Exemption Determination allows a person who satisfies certain conditions to perform certain exempt acts, including the operation of unlicensed radiocommunications devices.

Persons authorised by the Exemption Determination will need to ensure that all radiocommunications devices that are not banned equipment are licensed.

Operational deployment of banned equipment

The Exemption Determination does not, and cannot, authorise operational deployment of banned equipment (for example, deployment of banned equipment to provide security at a public event).

Persons that operate banned equipment outside of the conditions of the Exemption Determination may be in breach of Part 4.2 of the Act, which provides for civil penalties, criminal penalties and imprisonment in relation to causing substantial interference to radiocommunications.

Operational deployment of banned equipment may only be carried out by persons operating under section 27 exemptions, or under exemptions contained in sections 24, 25, and 26 of the Act.

Non-professional use or public access to banned equipment

Non-radiocommunications professionals and members of the public have very few legitimate, or publicly beneficial, reasons to access banned equipment. Those persons are also unlikely to have the experience or means to manage risks associated with the equipment.

[6] See section 7 of the Act for the definition of a radiocommunications device.

Importing banned equipment

Banned equipment is a prohibited import under the Customs (Prohibited Imports) Regulations 1956. The prohibition on importing banned equipment does not apply to persons authorised under the Exemption Determination (that is, persons named in a notifiable instrument).

Exporting banned equipment

Persons authorised under the Exemption Determination may supply banned equipment to a person outside Australia.

Under Division 4A of the Customs (Prohibited Exports) Regulations 1958 (Exports Regulations), there is a prohibition on exporting goods that are specified in the Defence and Strategic Goods List 2024 (DSGL) or goods containing DSGL technology. The DSGL specifies the goods, software or technology that are regulated when exported, supplied, brokered or published.

In some cases, banned equipment is likely to be, or is likely to contain, goods in the DSGL. Defence Export Controls (DEC) is the Commonwealth regulator for the responsible movement of military and strategic (dual-use) goods, software, technology and related services both within and outside Australia. Persons authorised under the Exemption Determination seeking to export banned equipment will need to refer to DEC.

If you are considering exporting banned equipment, we encourage you to seek a view from DEC as early as possible. In most cases, we will also seek a view from the Department of Defence on your applications.

ACMA charges for services

The ACMA recovers the costs for providing services related to considering applications for notifiable instruments that authorise access to the innovation and industry development framework.

Pursuant to Table 3 of Part 3 of the Radiocommunications (Charges) Determination 2022 (the Charges Determination), the charge applicable is the hourly rate specified in section 9 of the Charges Determination.

How the framework operates

1. Prepare an application

- You should read the Exemption Determination and the associated explanatory statement and prepare an application using this document.
- We also encourage you to get in touch with us to set up a time discuss your proposed activities. To set up a time, email spectrumlicensingpolicy@acma.gov.au with some brief details about your proposed activities.
- As set out in the 'What to include in an application' section below, your application should contain evidence to support your claims, and be informed by professional radiocommunications analysis and advice.

2. Apply to the ACMA

- Complete *Form R501 Innovation and industry development exemption framework – application for notifiable instrument*. Attach all relevant documents and supporting evidence, and send your application to spectrumlicensingpolicy@acma.gov.au.
- You will receive confirmation of your application.
- If your application involves exportation of banned equipment, you may want to engage the DEC process at this time.

3. Assessing your application

- We will assess your application.
- We can only grant an application and make a notifiable instrument if doing so would:
  - be in the public interest
  - not lead to a significant risk of a contravention of a condition.[7]
- In order to satisfy ourselves of the public interest, and that your application would not lead to a contravention of a condition, it is likely that we will need to engage with relevant spectrum licensees and other stakeholders – see 'Information sharing arrangements,' and 'What to include in an application' below.
- We may request further information from you to assist our assessment.

4. Granting and refusing an application

- We may either grant or refuse your application.

a) Granting an application

- We will decide whether to grant your application within 90 days after you apply, or such longer period as agreed between us and you.
- Within 14 days of deciding to grant your application, we will give you a written notice of the decision.
- Within that 14-day period, we will also make a notifiable instrument in your favour and register it on the Federal Register of Legislation (FRL).
- Registration of instruments on the FRL can take approximately 1 week.

[7] We are also unable to make a notifiable instrument if the instrument would be incompatible with the legislative rules made under section 313B of the Act for the purposes of paragraph 302(4)(b). No relevant legislative rules apply at this time.

- Your notifiable instrument will usually commence (have legal effect) the day after it is registered.

b) Refusing an application

- We will decide whether to refuse your application within 90 days after you apply, or such longer period as agreed between us and you.
- Within 14 days of deciding to refuse your application, we will give you a written notice of the decision.
- We will provide you with the reasons for that decision and include details of how you can request a reconsideration of the decision.

c) Requesting a review of our decision

- You can request that we reconsider the decision to refuse your application.
- Your request must be in writing and must set out the reasons for the request.
- Your request must be given to us within 30 days after you are notified that your application was refused.
- We will reconsider the decision within 90 days of receipt of your request for a review.
- Within 14 days after reconsideration, we will either affirm our initial decision, or grant the application.
- Within that 14-day period after reconsideration, we will give your written notice of the outcome of our reconsideration.
- If we affirm the initial decision to refuse your application, we will provide you with our reasons for doing so.
- If your application for reconsideration was unsuccessful, you may, if you wish, apply to the Administrative Appeals Tribunal for further review.

5. Charges payable to the ACMA

- Charges apply for the work undertaken by the ACMA in considering an application for a notifiable instrument.
- The applicable charge is the hourly rate specified in the Charges Determination.
- We will raise and send you an invoice when the consideration process is complete.
- Please note that charges apply regardless of whether the application for a notifiable instrument is granted or refused.

6. Carrying out activities under the Exemption Determination

a) Period during which you may carry out activities

- The duration of a notifiable instrument will be decided on a case-by-case basis. We will consider the activities being proposed (e.g. design, development, prototyping, testing, manufacturing) and the timeframes associated with those activities.
- The Exemption Determination only applies to you for the period in which your notifiable instrument is in-force. This period will be specified in the notifiable instrument.

b) Who is exempt?

- A notifiable instrument that names you applies only to you.

c) Operating banned equipment

- You can only operate your banned equipment in one or more of the following scenarios:
- when it is connected to a dummy load
- inside a screened room
- in accordance with a written permission made under section 193 of the Act.
- When operating one or more items of banned equipment, electromagnetic energy emitted from the equipment (or multiple pieces of equipment) must not exceed the general public exposure limits specified in the ARPANSA standard in a place that is accessible by the public.[8]

d) Possessing, offering to supply, and supplying banned equipment

- You must only possess, offer to supply, or supply, banned equipment if the electromagnetic energy that could be emitted from the equipment would not exceed the general public exposure limits specified in the ARPANSA standard in a place that is accessible by the public.
- You can only supply banned equipment to persons specified in section 11 of the Exemption Determination.
- If you want to supply and export banned equipment to persons outside Australia, you will need to engage with the DEC process.

e) Keeping records

- You need to create a record whenever you:
  - come into possession of banned equipment
  - operate banned equipment
  - supply banned equipment.
- You also need to keep records:
  - when you destroy or dispose of banned equipment
  - of the methods you use to prevent banned equipment causing interference to radiocommunications when operating it
  - of complaints or reports of interference, and the outcome.
- The information that needs to be captured in records depends on the activity – see section 12 of the Exemption Determination.
- You need to keep records for at least 5 years.

f) Importing banned equipment

- If you are allowed to perform exempt acts under the Exemption Determination (including if a notifiable instrument is in force naming you), you are exempt from the prohibition in the Customs (Prohibited Imports) Regulations 1956 on importing banned equipment.
- You will likely need to provide evidence to Customs officials that the Exemption Determination applies to you.

[8] ARPANSA Standard means the Radiation Protection Standard for Limiting Exposure to Radiofrequency Fields – 100 kHz to 300 GHz (2021), or any standard published as a replacement of that standard, by the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA). A copy of the ARPANSA Standard can be obtained free of charge from ARPANSA website at www.arpansa.gov.au

- Your notifiable instrument contained on the FRL can assist in demonstrating that the Exemption Determination applies to you.
- You must make a record when you come into possession of banned equipment.

g) Exporting banned equipment

- You need to engage with the DEC process if you want to export banned equipment.
- You need to make a record when you supply banned equipment.

h) Applying for operational/open-air testing with Australian Police and Prescribed Organisations

- You can register your intention to apply for a written permission to conduct operational/open-air testing when you make your initial application.
- However, an application for this activity is a separate consideration for the ACMA.
- See 'What to include in an application' for how to apply for a written permission under section 193 of the Act.
- The making of a notifiable instrument under the Exemption Determination does not guarantee that an application for operational/open-air testing will be granted.

7. Auditing and reviewing

- We will audit and review compliance with the framework in accordance with the 'Assessing compliance' section below.
- We may request, in writing, that you provide us with a copy of a record relating to your possession, operation and supply of banned equipment.
- If we make such a request, you must provide the copy of the record within the requested timeframe, which will be no less than 2 days.

8. Revoking your notifiable instrument

- We may revoke your notifiable instrument.
- We must revoke a notifiable instrument if we are satisfied that the instrument is not, or has ceased to be, in the public interest.[9]
- Contravention of conditions of the Exemption Determination may prompt us to revoke your notifiable instrument.
- We will have regard to the compliance assessment outlined below when considering revoking instruments.
- Before revoking an instrument, we will give you a written notice that:
  - states why we are proposing to revoke the instrument
  - invites you to make a submission to us as to why we should not revoke the instrument
  - specifies a period, not less than 7 days, within which your submission may be made.
- We will consider your submission within the period specified in the written notice.
- If we decide to revoke the notifiable instrument, we will provide you with a written notice outlining the reasons why we have done so.
- However, we can still revoke the notifiable instrument without prior written notice if it is in the public interest to do so.

[9] Or if it is not consistent with any applicable legislative rules. No legislative rules apply at this time.

a) Requesting a review of our decision

- You can request that we reconsider the decision to revoke a notifiable instrument.
- Your request must be in writing, and must set out the reasons for the request.
- Your request must be given to us within 30 days after our decision.
- We will reconsider the decision within 90 days of receipt of your request for a review.
- Within 14 days after reconsideration, we will either affirm our initial decision, or issue a new notifiable instrument.
- Within that 14-day period, we will give you a written notice of the outcome. If we affirm the initial decision, we will provide you with our reasons for doing so.
- If your application was unsuccessful on review, you may, if you wish, apply to the Administrative Appeals Tribunal for further review.

9. Expiration of notifiable instrument and obtaining a new instrument

- A notifiable instrument will expire at the date specified in the notifiable instrument.
- Once a notifiable instrument expires, your possession, operation, offer to supply and supply of banned equipment will be unlawful.
- Before a notifiable instrument expires, you can make an application for a new instrument to be made.
- We will consider subsequent applications in accordance with 'Applying for another a notifiable instrument' below.
- We can only make another notifiable instrument if doing so would:
  - be in the public interest
  - not lead to a significant risk of a contravention of a condition.[10]
- Charges apply to our consideration of an application for another notifiable instrument.

[10] Or if it is not consistent with any applicable legislative rules. No legislative rules apply at this time.

Information sharing arrangements

Radiofrequency spectrum is a shared resource that we manage to benefit all Australians. Most of our spectrum management work consists of technical and administrative planning, allocation, and coordinating and licensing of the various uses and users of spectrum. In broad terms, spectrum management involves minimising the risks of interference and maximising efficient use of the spectrum to facilitate communications between licensed radiocommunications devices.

Unlike radiocommunications devices used to facilitate communication, banned equipment is designed to cause interference to radiocommunications.

When planning spectrum, licensing radiocommunications devices, assigning frequencies and undertaking coordination, we engage with other radiocommunications licensees and relevant stakeholders, and share technical and operational information, to ensure that services can co-exist.

Given that banned equipment is designed to cause interference to radiocommunications, we take a similar approach to facilitating access to banned equipment.

Why we engage and share information

We engage, and share information, to ensure that relevant licensees and stakeholders are made aware of uses of banned equipment that may pose a risk of interference to licensed spectrum. We engage and share information to ensure that we are discharging our mandated obligations under the Exemption Determination.

Banned equipment can cause interference to spectrum used for public mobile telecommunications services (PMTS – that is, mobile phone services) and spectrum used for the radionavigation-satellite service (RNSS – also called Global Navigation Satellite Service and commonly referred to as GPS). It can also cause interference to radio local area network (RLAN) devices and remotely piloted aircraft systems (RPAS), which encompass Wi-Fi and Bluetooth devices, and drones.

PMTS and RNSS underpin a wide range of near-ubiquitous commercial and consumer services. Both services are also relied upon for safety, security and strategic outcomes. For example, most calls to Triple Zero are made from mobile handsets operating on PMTS spectrum, and the RNSS is used for aviation safety and navigation. A wide range of businesses and consumers rely on RLAN devices and the networks they facilitate, and interference to those devices and services can cause inconvenience or economic loss. Interference to RPAS can cause RPAS to behave unpredictably, and endanger people and property.

Mobile network operators (to whom the licences that authorise provision of PMTS are issued), the aviation sector, Defence, and other stakeholders (as relevant) need to maintain an awareness of potential risks introduced by the operation of banned equipment.

Critically, we cannot make a notifiable instrument unless we are satisfied that doing so is both in the public interest, and that doing so would not lead to a significant risk of a contravention of a condition of the Exemption Determination.

In most cases, we can only be satisfied of those 2 requirements where we have engaged with stakeholders, and where stakeholders have been able to provide an informed opinion.

What kind of information we share (and do not share)

We share key technical and operational information about banned equipment being used under the framework.

Before granting an application

Before granting an application, we share the following information with relevant stakeholders:

- general purpose for accessing banned equipment (for example, manufacturing)
- frequencies and power levels on which banned equipment operates (or a range in which equipment is expected to operate)
- out-of-band emissions (or indicative if not available on application)
- antenna information
- location(s) at which banned equipment will be operated
- conditions under which banned equipment will be operated (for example, use of a dummy load, screened room, open-air testing) and methods used to contain emissions and reduce interference.

Depending on your application, we may form the view that it is necessary to share additional information, such as actual or indicative radiation patterns.

If your application involves export of banned equipment, we may consider sharing this information with Defence. However, you are encouraged to engage with the DECS process directly in relation to exportation of banned equipment.

Information published on our website

In addition to all notifiable instruments being registered on the FRL, we maintain a consolidated register on our website, as well as the public-facing corporate contact information of the persons named in notifiable instruments.

Information we do not share

We do not share:

- records created, kept, and provided to us under sections 12 to 14 of the Exemption Determination
- information relating to our compliance activities
- other commercial-in-confidence information, or information that is not relevant to satisfying ourselves of the public interest, or that granting an application would not lead to a significant risk of a contravention of a condition of the Exemption Determination.

We will consider other relevant matters when considering sharing information, including whether any elements of the application are sensitive from a security perspective.

How we share information

Under section 59E of the *Australian Communications and Media Authority Act 2005,* an ACMA official may disclose authorised disclosure information relating to the affairs of a person if the person has consented to the disclosure.

We will advise you of the information we intend to share, and will ask your permission before we share any information.

Coordination and engagement on operational/open-air testing

We will consider facilitating operational/open-air testing of banned equipment with Australian Police and Prescribed Organisations on a case-by-case basis.

Operational/open-air testing of banned equipment poses different risks to operating banned equipment when connected to a dummy load or inside a screened room.

We will only facilitate this activity in coordination with relevant stakeholders, who will need sufficiently detailed information to assess the potential risks.

Assessing compliance

As the Australian regulator for broadcasting, radiocommunications and telecommunications, and certain online content, we carry out compliance and enforcement activities under the provisions of a range of primary legislation and instruments.

Our compliance and enforcement policy is available on our website. It sets out our broad approach to compliance and enforcement, and provides additional guidance to stakeholders about the approach we take to compliance and enforcement activities.

We will apply the compliance and enforcement policy to the innovation and industry development framework, although noting that the Exemption Determination provides us with some specific powers that enable us to monitor compliance and take compliance action.

Requesting records and auditing compliance

Periodic audit of the framework will allow us to maintain awareness of the risk and business environment, and have oversight of the supply chain of banned equipment.

If you are authorised under the Exemption Determination, we can request, in writing, that you provide us with a copy of a record that you are required to create and keep under the Exemption Determination.

You must provide a copy of the requested record to us within a period specified in the written request. The specified period will be no less than 2 days.

We will generally request copies of records from you at least once a year.

If, before a notifiable instrument expires, you apply to us for a new notifiable instrument, we may provide you with a written request for copies of records to assist in our assessment.

Our response to non-compliance

We may become aware of non-compliance with the Exemption Determination through auditing records, or by alternative means (for example, reports of interference).

Our response to non-compliance will be guided by our compliance and enforcement policy, which broadly provides for a graduated approach to compliance, informed by a range of factors.

However, under the Exemption Determination, we *must* revoke a notifiable instrument if we are satisfied that the instrument is not, or has ceased to be, in the public interest.[11]

Revocation of an instrument will normally be preceded by a written notice and an opportunity for you to make submissions.

[11] Or if the instrument is not, or has ceased to be, consistent with any extant and relevant legislative rules.

Scenarios that may lead us to consider that an instrument is not, or has ceased to be, in the public interest may include:

- complaints about interference, where banned equipment is, or is likely to be, the source of interference
- concerns being raised about the effect of emissions from banned equipment on health and safety
- a request for records is not met, or the records are unsatisfactory
- activities conducted under the Exemption Determination depart from the initial application (for example, operating on different frequencies or at different locations, changes in the end user of the equipment) in a way that materially and adversely alters the risk profile of the application
- a DEC assessment returning a negative assessment for banned equipment proposed for export
- we have reason to believe that conditions of the Exemption Determination are not being met.

Applying for another notifiable instrument

The duration of a notifiable instrument will be determined on a case-by-case basis.

If you are seeking to obtain another notifiable instrument because a notifiable instrument is expiring, you will need to apply for that new instrument prior to the expiration of the existing instrument. You must do so if you do not want to have a gap in time during which you are not able to possess, operate or supply or offer to supply banned equipment.

We recommend that you apply for another notifiable instrument well in advance of the expiration of your instrument, especially if your notifiable instrument expires after one year.

If a notifiable instrument expires and another instrument is not made, possession, operation, supply and offer to supply of banned equipment will cease to be lawful.

When considering the making of another notifiable instrument, the same considerations as those outlined above apply:

- whether making an instrument would be in the public interest
- whether making an instrument would lead to a significant risk of a contravention of a condition of the Exemption Determination.

We will also consider whether there is an ongoing need for the Exemption Determination to apply to you.

We may also consider changes to the operational environment over the period for which the existing notifiable instrument was in force. We could consider, for example, whether deployments of radiocommunications services, such as mobile networks or critical infrastructure, have changed the assumptions and technical feasibility of operating banned equipment in a particular location.

What to include in your application

The information below is intended to assist you in completing the application form on our website, assembling supporting evidence, and applying for a notifiable instrument that authorises you to access banned equipment under the Exemption Determination.

It also provides guidance on complying with certain aspects of the Exemption Determination, and how to apply for a written permission under section 193 of the Act to authorise operational/open-air testing.

Specify the permanent ban that applies to your equipment

The form requires you to specify which permanent ban applies to the equipment you are seeking to access.

The Permanent Ban specifies 3 types of jamming equipment.

PMTS jamming equipment operates on at least one or more PMTS frequency.

Frequencies used for PMTS in Australia are:

- 703–738 MHz
- 758–803 MHz
- 825–845 MHz
- 870–890 MHz
- 890–915 MHz
- 935–960 MHz
- 1710–1785 MHz
- 1805–1880 MHz
- 1920–1980 MHz
- 2110–2170 MHz
- 2302–2400 MHz
- 2500–2690 MHz
- 3400–3700 MHz
- 24700–27500 MHz.

RNSS jamming equipment operates on at least one or more RNSS frequencies.

The most commonly used RNSS frequencies are:

- 1164–1215 MHz
- 1215–1240 MHz
- 1240–1300 MHz
- 1559–1610 MHz.

The permanent ban on RNSS jamming equipment will also apply to jamming equipment operating on any other frequency allocated to the radionavigation-satellite service in Column 2 of Part 2 of the Australian Radiofrequency Spectrum Plan.

RLAN and RPAS jamming equipment operates on at least one or more RLAN and RPAS frequency.

The RLAN and RPAS frequencies are:

- 433.05–434.79 MHz
- 915–928 MHz
- 2400–2483.5 MHz
- 5150–5350 MHz
- 5470–5600 MHz
- 5650–5875 MHz
- 5925–6425 MHz.

Specify frequencies on which your banned equipment operates

You need to specify *all* frequencies on which your equipment is proposed to operate.

Banned equipment may operate on other frequencies, in addition to those listed above.

Specify power levels, out-of-band emissions and antenna information

You need to specify:

- power levels on which banned equipment operates (or a range in which equipment is expected to operate)
- out-of-band emissions (or indicative if not available on application)
- information about antennas being used.

Specify the general purpose of your activities

General purposes may include:

- research and development
- product development and manufacturing
- using banned equipment for testing/evaluation
- conducting operational/open-air testing with Australian Police and/or Prescribed Organisations.

Demonstrate that your application is in the public interest

There is space on the form for you to identify and describe how your application satisfies the public interest. You should provide evidence to support your claims.

We can only grant your application if doing so would be in the public interest. In assessing the public interest, we may consider the objects set out in section 3 of the Act. The objects include promoting the long-term public interest derived from the use of the spectrum. This allows for the management of spectrum in a manner that facilitates the use of the spectrum for commercial purposes, defence purposes, national security purposes and other non-commercial purposes (including public safety and community purposes).

We may also consider that granting your application is in the public interest, where granting the application will do one or more of the following:

- strengthen Australia's industrial, scientific, technology and manufacturing capabilities
- create and support jobs and domestic businesses
- facilitate research and development of technologies and systems with clear commercial, safety, security or strategic applications
- support government policy[12]
- facilitate the development of new capabilities to be used by the Australian Defence Force and the Department of Defence.[13]

Demonstrate that you can comply with the conditions

Operation – dummy load

If you are applying to operate banned equipment connected to a dummy load, you need to specify:

- the address or addresses at which you will be using the banned equipment connected to a dummy load
- the make and model of the dummy load (or specifications if bespoke)
- maximum power rating and frequency ranges.

A product datasheet may be useful in satisfying or supporting the above requirements.

Operation – shielded enclosure

If you are applying to operate banned equipment inside a shielded enclosure, you need to specify:

- the address at which the shielded enclosure is located
- the make and model of the shielded enclosure.

Shielded enclosures are typically built and tested against industry standards, including:

- IEEE 299-2006 – IEEE Standard Method for Measuring the Effectiveness of Electromagnetic Shielding Enclosures
- MIL-STD-285, Military Standard: Attenuation Measurements for Enclosures, Electromagnetic Shielding, for electronic test purposes, Method of
- EN 50147-1 – Anechoic Chambers Part 1: Shield Attenuation Measurement.

You should identify relevant standards and any relevant accreditations or certifications.

You may attach a product datasheet.

[12] For example, the Australian Government's current emerging aviation technologies policies and programs, the Future Made in Australia agenda and current manufacturing and industry-development programs, the 2026 National Defence Strategy and 2026 Integrated Investment Program, the 2026 Defence Innovation, Science and Technology Strategy, the National Science Statement and National Science and Research Priorities, current industry innovation and commercialisation programs, including the National Reconstruction Fund and Industry Growth Program.

[13] Defence has broadly defined the Australian defence industry as consisting of businesses with an Australian Business Number and Australian-based industrial capabilities (such as Australian company and board presence, skills base, value-add work in Australia, infrastructure) that are providing or have the capacity to provide defence specific or dual-use goods or services in a supply chain that leads to the Australian Department of Defence or an international defence force. See the Industrial Capability Programs.

Provide an interference assessment and technical information

You need to provide evidence (for example, through desktop interference analysis and/or identifying practical measures to be implemented) that appropriate measures can be taken to avoid interference to in-band and adjacent band services.

A complete interference assessment may need to be completed after a notifiable instrument has been made.

Please note: The ACMA does not provide this service. We recommend that you engage a radiocommunications professional to undertake this assessment.

An ACMA Accredited Person (AP) may be able to provide this assessment and additional advice. APs are qualified in radiocommunications and work with the ACMA and radiocommunications licensees on licence applications, and on frequency assignment and interference impact certificates for certain licences. An AP may be able to perform the abovementioned analysis, as they have industry-level knowledge of the relevant radiocommunications databases and assignment guidelines and instructions that govern radiocommunications in use in Australia. For example, an AP may be able to provide assurance that existing licences and registered devices have been checked to ensure that no interference occurs into other band services.

Assessing banned equipment against exposure limits in ARPANSA Standard

Please note: Unless an assessment against the exposure limits in the ARPANSA Standard already exists (for example, if the banned equipment is being imported and has been assessed overseas) an assessment will need to be conducted after an application for a notifiable instrument is granted.

If you are unable to produce an assessment against the exposure limits in the ARPANSA Standard upon application for a notifiable instrument, we will normally request copies of relevant records after the first 6 months of the instrument being issued. If you have possessed, operated, supplied, or offered to supply banned equipment within that period, you will need to demonstrate that an assessment against the exposure limits in the ARPANSA Standard has been undertaken.

Banned equipment will need to be assessed against the exposure limits specified in the ARPANSA Standard – *Radiation Protection Standard for Limiting Exposure to Radiofrequency Fields – 100 kHz to 300 GHz* (2021) (ARPANSA Standard), available at arpansa.gov.au.

You need to provide us with an assessment of emissions from the banned equipment against the general public and occupational exposure limits in the ARPANSA Standard.

The conditions of the Exemption Determination generally provide that banned equipment cannot be operated or be made accessible in a place that is accessible by the public.

While banned equipment is not expected to be operated or be accessible in places that are accessible to the public, an assessment against the general public and occupational exposure limits will allow you to identify, and demonstrate to us, the safe distances required for members of the public (and that they would be achievable) and, importantly, for RF

workers and aware users[14] (which are likely to be you and your customers if you are manufacturing banned equipment).

As per the ARPANSA standard, limits and distances may be verified by direct measurements or by computation in accordance with AS/NZS 2772.2 available at standards.org.au or by or relevant International Electrotechnical Commission (IEC) or Institute of Electrical and Electronics Engineers (IEEE) standards.

Please note: You can get a third party to assess your equipment or evidence and provide a statement of compliance against both public and occupational exposure limits. However, if the assessment provided by that third party involves them operating the equipment, they must also be authorised under a notifiable instrument.

Applying for operational/open-air testing under section 193 of the Act

We will consider facilitating operational/open-air testing with Australian Police and Prescribed Organisations specified in section 8 of the Radiocommunications Regulations 2023 on a case-by-case basis using written permissions issued under section 193 of the Act. Such permissions will be notifiable instruments and registered on the FRL and on our website.

When we will facilitate operational/open-air testing

We will only facilitate this activity where:

- you are seeking to practically verify or demonstrate capability that cannot be verified or demonstrated by other means (for example, desktop analysis or computer simulation)
- we can verify your assessment that the activity can be conducted without serious risk of causing interference to radiocommunications other than those carried on by or on behalf of the relevant Australian Police or Prescribed Organisation
- it is possible for us to make potentially adversely affected radiocommunications stakeholders aware of the activity, and their views on the interference risks can be considered.

We will generally issue written permissions that have a duration of the shortest period required to achieve the purpose of the activity.

Actual activity conducted will be supported by an agreed plan, specifying the date and time at which equipment will be used, emergency contact persons and other relevant information.

Please note: If you have strategic or commercial links to Defence, Defence may also be able to facilitate operational/open-air testing under the exemptions applicable to Defence.

What to include in an application for operational/open-air testing

There is no form to apply for operational/open-air testing – instead, you should engage with the relevant Australian Police or Prescribed Organisation in section 8 of the Radiocommunications Regulations 2023 on a proposal, and develop an evidence-based application for us to consider.

[14] 'RF workers', 'aware users' and related terms are defined in paragraph 5.1.1 of the ARPANSA standard.

As a minimum, your application must include:

- a letter of support from a suitably authorised member of the Australian Police agency or Prescribed Organisation with whom you are proposing to conduct the activities
- a detailed description of the purpose of the activity
- a proposed geographic location at which the activity would occur, and an assessment of its suitability (for example, sparsely populated area, terrain that limits propagation etc.)
- identification of relevant radiocommunications licensees that may be adversely affected by the activity, including:
  - any apparatus licensees and spectrum licensees (by using the Site Location Map and other data available on the Register of Radiocommunications Licences)
  - any adversely affected devices authorised by class licences
  - licensees potentially adversely affected by out-of-band emissions.
- technical information about banned equipment being operated, including frequencies being used, transmit power, antenna characteristics, and out-of-band emissions
- expected or indicative emission (radiation pattern) footprint of the banned equipment
- other operational information as relevant (for example, whether the equipment is mobile or static).

There is no set timeframe for assessing and issuing written notices for operational/open-air testing. We recommend applying for a permission well in advance of the anticipated requirement.

Please note: The above information is a guide only. It is incumbent on you to supply the ACMA with professionally informed advice and evidence that operational/open-air testing can be performed without causing unwanted interference.

The ACMA does not provide this service.

You can engage the services of a radiocommunications professional in developing an application for operational/open-air testing.

Questions to ask yourself before you apply

Have I read the Exemption Determination and the associated explanatory statement?

- The Radiocommunications (Exemption) Determination 2024, along with the Act, is the legal basis for the framework.
- The explanatory statement provides an overview and description of the Exemption Determination.

Is banned equipment essential to my business, research, or other objective?

- Many R&D, manufacturing and research activities can be achieved using a scientific licence. However, if any of these activities involve having or using banned equipment, you need a notifiable instrument.
- Banned equipment may be useful to achieve your objectives, but that does not mean that it is essential.

Am I a member of the Australian defence industry, or developing capability for Defence purposes?

- Entities developing equipment for Defence should only apply to the ACMA after they have approached Defence. Defence will advise whether your activity can be authorised by Defence and related persons exemptions in the Act.
- If you're developing equipment for Defence but plan to also sell or offer to sell that banned equipment to others, you may need a notifiable instrument. Please contact us to discuss.

Is my proposal in the public interest?

- We can only issue you with a notifiable instrument if your application is in the public interest. You need to clearly outline why your proposal is in the public interest and provide supporting evidence where available.

Can I demonstrate that I can comply with the conditions of the Exemption Determination?

- We can only issue you with a notifiable instrument if we think that doing so would not lead to a significant risk of a contravention of a condition.
- Ask yourself:
  - can I demonstrate that I have access to the right equipment and/or environment (dummy load and/or shielded enclosure), and can I provide the ACMA information about that equipment/environment?
  - do I have the capacity to create records documenting technical aspects of banned equipment (operating frequencies, maximum power, EIRP)?
  - can I demonstrate that I can manage risks identified in a supplied interference assessment?
  - will I be able to assess banned equipment against the ARPANSA Standard when I come into possession of banned equipment?

Have I read the Information sharing arrangements?

- It is likely that we will need to share technical and operational information about your equipment and proposal with stakeholders.

- Information sharing and engagement allows us to be satisfied that your proposal is in the public interest, and that you can comply with the Exemption Determination.

Have I read the ACMA Compliance Policy and compliance assessment arrangements?

- We audit and review records to ensure compliance. We may revoke your notifiable instrument, and take further compliance action, if you do not comply.

FAQs

Does the Exemption Determination automatically apply to me?

No, you need to apply to the ACMA. If you do not apply, and you possess, operate, supply, or offer to supply, banned equipment, you are in breach of the Act.

Civil penalties and criminal offences apply.

Can I use banned equipment for operational activities, like providing security?

No. Banned equipment is often designed for security or strategic operations, where causing interference is necessary. Generally, only law enforcement, Defence, and related persons can carry out these operations, and can only do so under separate regulatory arrangements.

Use of banned equipment for operational activities is not authorised, and is likely to breach the Act.

Civil penalties and criminal penalties apply.

How long does it take to assess my application?

We will decide whether to grant your application within 90 days after you apply, or such longer period as agreed between us and you – it depends on how complex your application is.

Can I get an exemption for the requirement to licence my radiocommunications devices?

No. Banned equipment that is, or incorporates, a radiocommunications device (and a radiocommunications device that is, or incorporates, banned equipment) and is subject to an exemption under the Exemption Determination can be operated without a license – but only that equipment/device.

All other radiocommunications devices need to be licensed in accordance with the Act.

Can I conduct live testing and demonstrations with banned equipment under the framework?

Potentially. This can only be done in tandem with Australian Police and Prescribed Organisations specified in section 8 of the Radiocommunications Regulations 2023.

We will consider facilitating this on a case-by-case basis.

Can I export banned equipment that I make here in Australia?

Defence Export Control (DEC) is the Commonwealth regulator for the responsible movement of military and strategic (dual-use) goods, software, technology and related services both within and outside Australia, which can include banned equipment.

To export banned equipment, you need to apply though the DEC.

Other general guidance

The exemption framework under section 302 is provided for by the Act. Applicants for notifiable instruments are encouraged to familiarise themselves with all the provisions of the Act. Depending on the activity undertaken under the Exemption Determination, other Commonwealth, state and territory laws may apply.

The ACMA is a statutory authority established under the *Australian Communications and Media Authority Act 2005* to, among other things, administer the Act. In exercising its powers and functions, including those conferred on the ACMA by the Act, the ACMA may be expected to apply its policies, which may change from time to time.

Nothing in this document should be taken to bind the ACMA to any particular course of action. The comments made in this paper about banned equipment reflect the current policies of the ACMA. Prospective applicants should be aware that the policies of the ACMA may change from time to time.

Australia is a signatory to the International Telecommunication Union Constitution and Convention and to other international treaties relating to radiocommunications. The administration of radiocommunications by the ACMA is undertaken with regard to these conventions and treaties.