



Radiocommunications (Prohibition of PMTS Jamming Devices) Declaration 2011

Radiocommunications Act 1992

The AUSTRALIAN COMMUNICATIONS AND MEDIA AUTHORITY makes this Declaration under subsection 190(1) of the *Radiocommunications Act 1992*.

Dated 18th February 2011

Chris Chapman
[signed]
Member

Richard Bean
[signed]
Member

Australian Communications and Media Authority

1 Name of Declaration¹

This Declaration is the *Radiocommunications (Prohibition of PMTS Jamming Devices) Declaration 2011*.

2 Commencement

This Declaration commences on:

- (a) the day after it is registered; or
- (b) the day by which it has been published in one or more newspapers circulating generally in the capital city of each State and Territory,

whichever occurs last.

3 Definitions

In this Declaration:

Act means the *Radiocommunications Act 1992*.

carriage service has the same meaning as in the *Telecommunications Act 1997*.

mobile station has the same meaning as in the *Radiocommunications (Interpretation) Determination 2000*.

PMTS Class C has the same meaning as in the *Radiocommunications (Interpretation) Determination 2000*.

PMTS jamming device has the meaning given by section 4.

PTS licence has the same meaning as in the *Radiocommunications (Interpretation) Determination 2000*.

PTS licence (PMTS C) means a PTS licence that authorises the holder to operate a station in a PMTS Class C.

public mobile telecommunications service or *PMTS* has the same meaning as “public mobile telecommunications service” in the *Telecommunications Act 1997*.

station has the same meaning as in the *Radiocommunications (Interpretation) Determination 2000*.

telecommunications network has the same meaning as in the *Telecommunications Act 1997*.

4 Meaning of PMTS jamming device

For the purposes of this Declaration, a device is a *PMTS jamming device* if the device has both of the following characteristics:

- (a) the device:
 - (i) is designed to have an adverse effect on radiocommunications; or
 - (ii) would be likely substantially to interfere with, disrupt or disturb radiocommunications; and

- (b) the device operates within one or more frequency bands used for the supply of a public mobile telecommunications service (whether or not the device also operates within other frequency bands).

Note: A device that is designed to generate interference to or with radiocommunications and that prevents, or substantially disrupts, radio emissions between a mobile handset and a base station is an example of a PMTS jamming device.

5 Prohibition of PMTS jamming devices

Subject to sections 6 and 7, the operation or supply of a PMTS jamming device, or the possession of a PMTS jamming device for the purpose of its operation or supply, is prohibited for the reasons set out in Schedule 1 to this Declaration.

6 The operation of certain PMTS jamming devices on board an aircraft

The operation of a PMTS jamming device, or the possession of a PMTS jamming device for the purpose of its operation, is not prohibited if:

- (a) the device is part of a system that provides a carriage service on board an aircraft; and
- (b) the operation of that system is authorised by a PTS licence (PMTS C).

7 The supply of certain PMTS jamming devices for operation on board an aircraft

The supply of a PMTS jamming device, or the possession of a PMTS jamming device for the purpose of its supply, is not prohibited if:

- (a) the device is part of a system that provides a carriage service on board an aircraft;
- (b) that system is of a kind that may be operated lawfully if authorised by a PTS licence (PMTS C); and
- (c) that system is or will be supplied to the holder of a PTS licence (PMTS C).

8 Revocation

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 issued in 1999 is revoked.

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>.

Schedule 1 Reasons for Prohibition

(Section 5)

1. The operation or supply of a PMTS jamming device, and the possession of a PMTS jamming device for the purpose of its operation or supply, is prohibited for the reasons set out below.
2. PMTS jamming devices can be used to block, or otherwise interfere with, radio emissions between a mobile station (for example, a mobile handset) and a base station. Consequently, a PMTS jamming device can be used to prevent mobile stations from sending or receiving voice and data traffic to or from a telecommunications network. The interference generated by a PMTS jamming device can also affect the quality, reliability and coverage of a public mobile telecommunications service.
3. Businesses and individuals increasingly rely on public mobile telecommunications services for the delivery of voice telephony and data. Preventing or otherwise disrupting the supply of those services has the potential to adversely affect the public on a large scale, for example, by preventing access to emergency call services or by impeding the receipt of messages through the Emergency Alert system, or through loss of business or by causing inconvenience to mobile phone users.
4. A PMTS jamming device may also disrupt radiocommunications that use frequency bands other than those used for the supply of a public mobile telecommunications service. Consequently, the use of a PMTS jamming device may adversely affect the delivery of other licensed radiocommunications.
5. High powered PMTS jamming devices may emit radiation at levels that exceed that permitted under the *Radiocommunications (Electromagnetic Radiation – Human Exposure) Standard 2003*. This has implications for public safety, especially in confined areas, such as cafes or restaurants.
6. In light of the disruptive nature of PMTS jamming devices, there are few legitimate uses for such devices. Such devices are also at risk of being used in connection with criminal or terrorist activities. For these reasons also, the supply of such devices should be prohibited.

Note: *Emergency Alert is a telephone warning system that emergency services can use to send alerts to communities via landline telephones and mobile phones. See <http://www.emergencyalert.gov.au>.*