



Telecommunications (Prohibition of Mobile Phone Boosters) Declaration 2011

Telecommunications Act 1997

The AUSTRALIAN COMMUNICATIONS AND MEDIA AUTHORITY makes this Declaration under subsection 450(1) of the *Telecommunications Act 1997*.

Dated

17 May 2011

Chris Chapman

[signed]

Member

Richard Bean

[signed]

Member/~~General Manager~~

Australian Communications and Media Authority

1 Name of Declaration

This Declaration is the *Telecommunications (Prohibition of Mobile Phone Boosters) Declaration 2011*.

2 Commencement

This Declaration commences on the day after it is registered.

Note: 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>.

3 Definitions

In this Declaration:

Act means the *Telecommunications Act 1997*.

base station means a station that is part of a telecommunications network by means of which a public mobile telecommunications service is supplied.

frequency band has the same meaning as in the *Radiocommunications Act 1992*.

mobile phone booster has the meaning given by section 4.

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

radio emission has the same meaning as in the *Radiocommunications Act 1992*.

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

Note: The terms “customer equipment”, “public mobile telecommunications service” and “telecommunications network” are defined in the Act.

4 Meaning of mobile phone booster

(1) For the purposes of this Declaration, *mobile phone booster* means customer equipment that:

(a) connects, by means of physical contact, with a mobile station;

Note: A mobile handset is an example of a mobile station.

(b) transmits radio emissions to, and receives radio emissions from, a base station;

-
- (c) amplifies radio emissions transmitted to the base station;
 - (d) draws power from a power source;
 - (e) operates within one or more frequency bands used for the supply of a public mobile telecommunications service; and
 - (f) is not of a kind described in subsection (2).
- (2) The term *mobile phone booster* does not include customer equipment that is manufactured in Australia solely for the purpose of being exported.

5 Prohibition of mobile phone boosters

The operation or supply of a mobile phone booster, or the possession of a mobile phone booster for the purpose of its operation or supply, is prohibited for the reasons set out in Schedule 1 to this Declaration.

6 Revocation

The Declaration of Prohibited Customer Equipment Mobile Phone Booster Amplifiers for Global System for Mobiles ("GSM") and Code Division Multiple Access ("CDMA") Mobile Telecommunications Services dated 9 May 2001 is revoked.

Schedule 1 Reasons for Prohibition

(Section 5)

1. The operation or supply of a mobile phone booster, and the possession of a mobile phone booster for the purpose of its operation or supply, are prohibited for the reasons set out below.
2. The integrity of the telecommunications networks by means of which public mobile telecommunications services are supplied is at risk from the operation of mobile phone boosters because mobile phone boosters can substantially interfere with, disrupt or disturb public mobile telecommunication services by jeopardising the quality and coverage of carriage services. This can cause inconvenience to, or loss of business for, mobile phone users.
3. The disruption caused to public mobile telecommunications services by mobile phone boosters can also impede access to emergency call services from mobile phones, which creates a risk to public health and safety.