



Telecommunications (Prohibition of Mobile Phone Boosters) Declaration 2021

The Australian Communications and Media Authority makes the following declaration under subsection 450(1) of the *Telecommunications Act 1997*.

Dated: 19 August 2021

Chris Jose
[signed]
Member

Linda Caruso
[signed]
~~Member~~/General Manager

Australian Communications and Media Authority

1 Name

This is the *Telecommunications (Prohibition of Mobile Phone Boosters) Declaration 2021*.

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 may be accessed free of charge at www.legislation.gov.au.

3 Authority

This instrument is made under subsection 450(1) of the *Telecommunications Act 1997*.

4 Repeal of the *Telecommunications (Prohibition of Mobile Phone Boosters) Declaration 2011*

The *Telecommunications (Prohibition of Mobile Phone Boosters) Declaration 2011* (Registration No. F2011L00866) is repealed.

5 Definitions

In this instrument:

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.

cellular mobile repeater means a radiocommunications device that draws power from a power source and that, operating as a single radiocommunications device or as part of a system of radiocommunications devices, is able to:

- (a) receive a radio emission from a base station and retransmit the radio emission (or transmit a replica of the radio emission) to:
 - (i) another base station; or
 - (ii) a mobile station that is used to access a public mobile telecommunications service; or
- (b) receive a radio emission from a mobile station that is used to access a public mobile telecommunications service and retransmit the radio emission (or transmit a replica of the radio emission) to:
 - (i) a base station; or
 - (ii) another mobile station that is used to access a public mobile telecommunications service.

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

mobile phone booster has the meaning given by section 6.

mobile station has the same meaning as in the *Radiocommunications (Interpretation) Determination 2015*.

radiocommunications device has the same meaning as in the *Radiocommunications Act 1992*.

radiocommunications receiver has the same meaning as in the *Radiocommunications Act 1992*.

radiocommunications transmitter has the same meaning as in the *Radiocommunications Act 1992*.

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

station has the same meaning as in the *Radiocommunications (Interpretation) Determination 2015*.

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

- (a) customer equipment;
- (b) public mobile telecommunications service;
- (c) telecommunications network.

6 Meaning of *mobile phone booster*

- (1) For the purposes of this instrument, **mobile phone booster** means customer equipment that:
 - (a) connects, by means of physical contact, with 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:
 - (a) customer equipment that is manufactured in Australia solely for the purpose of being exported; or
 - (b) for the avoidance of doubt, a cellular mobile repeater.

7 References to other instruments

In this instrument, unless the contrary intention appears, a reference to any other legislative instrument is a reference to that other legislative instrument as in force 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.

8 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.

Schedule 1 Reasons for Prohibition

(section 8)

- (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.