

Review of the Mobile Phone Jammer Prohibition Discussion Paper

Submission by:

Australian Mobile Telecommunications Association and Communications Alliance

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1. Introduction and Summary

- 1.1 The Australian Mobile Telecommunications Association (AMTA) is the peak industry body representing Australia's mobile telecommunications industry. AMTA's mission is to promote an environmentally, socially and economically responsible and successful mobile telecommunications industry in Australia. AMTA members include mobile Carriage Service Providers (CSPs), handset manufacturers, retail outlets, network equipment suppliers and other suppliers to the industry. For more details about AMTA, see <http://www.amta.org.au>.
- 1.2 Communications Alliance is the peak telecommunications industry body in Australia. Its membership is drawn from a wide cross-section of the communications industry, including service providers, vendors, consultants and suppliers as well as business and consumer groups. Its vision is to provide a unified voice for the telecommunications industry and to lead it into the next generation of converging networks, technologies and services. The prime mission of Communications Alliance is to promote the growth of the Australian communications industry and the protection of consumer interests by fostering the highest standards of business ethics and behaviour through industry self-governance. For more details about Communications Alliance, see <http://www.commsalliance.com.au>.
- 1.3 AMTA and Communications Alliance (the Associations) welcome the opportunity to respond to the Australian Communication and Media Authority's (ACMA) Mobile Phone Jammer Prohibition Public discussion paper, January 2010 (Discussion Paper).

Summary

- 1.4 The Mobile Phone Jammer Prohibition remains a relevant and necessary regulatory measure to prevent the general use of mobile phone jammers. It is strongly supported by industry and does not require wholesale change.
- 1.5 The Prohibition does require some updating, however. To ensure the Prohibition continues to meet its primary objective of preventing unacceptable interference to legitimate radiocommunications, its scope needs widening to accommodate both the new frequency ranges used for mobile telecommunications and frequency ranges used by other wireless access services (WAS) including, WiFi and WiMAX. Further, to ensure its continued currency, the ACMA should consider appropriate mechanisms to trigger updates to the Prohibition when new frequency bands are allocated to WAS.
- 1.6 Industry strongly contends that the ACMA should continue to consider all exemptions to the Prohibition on a case-by-case basis. There should be no attempt to draft any general exemptions to exclude either emerging technologies or tests and trials. Considering each case on its merits is the only way that the

ACMA can ensure that public safety and other considerations outlined in the ACMA's Principles for Spectrum Management can be met.

- 1.7 The ACMA processes for considering exemption should be formalised and expanded to ensure transparency, accountability and ongoing stakeholder consultation. An additional benefit is that formalisation of the process would arguably speed up the exemption process itself, as it would be clear to everyone what conditions and criteria required addressing. Industry would be keen to be provided the opportunity to comment on such criteria to assist ensuring they are as useful as possible.
- 1.8 The ACMA must require that any trial has to closely involve all impacted spectrum licence holders. A co-operative approach is essential to ensure that appropriate parameters are agreed, in writing; all costs are met by those responsible for running the trial; processes and procedures are clearly defined in writing; and review processes are documented and in place. Further, the trial results must be transparent with relevant stakeholders provided full details of results and appropriate access made available to allow stakeholders to conduct their own tests, if desired, during the trial.
- 1.9 The government must also take ultimate responsibility for any adverse affects of the trial. Industry cannot accept liability for disruption caused by the use of any jammers.
- 1.10 In relation to the proposed trial at Lithgow, industry is concerned about the process to date. The process and consultation commitments have been vague and it is concerning that the proposal for a trial has progressed so far without consultation with affected stakeholders. It is absolutely critical that industry is properly consulted about the proposed trial before it progresses any further.
- 1.11 It is also critical that technical and operational issues, and a number of wider policy issues are addressed before the trial commences. These are detailed in Section 3 of this submission, but include consideration of the scope of the trial and how the trial can be evaluated from a cost-benefit perspective (will it test more than one solution to allow decisions to be made using the best available evidence, for example). It must also be clear that the success of any such trial would not justify consideration of any carte blanche exemption for other correctional facilities throughout the country, and that other options for controlling illegal entry and use of mobile devices continue to be explored and implemented.
- 1.12 All these issues are explored in detail within this submission, which is structured to reflect the three themes identified in the Paper: Prohibition as a regulatory tool; other issues; and Options.

2. Prohibition as a regulatory tool

- 2.1 This section of the submission addresses questions 1-7 in the ACMA's Discussion Paper.

Q1. Is the Mobile Phone Jammer Prohibition a necessary regulatory measure to prevent the general use of mobile phone jammers?

And Q6. Do the reasons underpinning the Mobile phone Jammer Prohibition remain relevant?

And Q7. Are there other significant reasons for prohibition which should be included?

- 2.2 Industry is strongly of the view that the Mobile Phone Jammer Prohibition (the Prohibition) is a necessary regulatory measure to prevent the general use of mobile phone jammers. The (then) Australian Communication Authority's (ACA) justification for introducing the Prohibition is equally as relevant today as it was in 1999 and the use of *Ex-ante* regulation to prohibit the possession of mobile phone jammers for any reason remains necessary and justified:

- a) As the Paper notes, despite being illegal, prior to 1999, jamming devices were starting to become openly available in the marketplace. This is clearly not desirable.
- b) A primary concern of the Radiocommunications Act (and associated subordinate legislation) is to prevent harmful or otherwise unacceptable interference to legitimate radiocommunications. Mobile phone carriers have a statutory licence to provide services to their customers and their customers expect to use their mobile phones without interference from a third party. The potential for disruption to legitimate mobile phone services by mobile jammers is enormous. As the Discussion Paper notes, mobile phone jammers will clearly cause unacceptable interference with significant, potentially life-threatening or public terror consequences. In addition to potentially preventing access to emergency services, there could be serious consequences if a jamming device fell into the wrong hands. Secondary consequences include possible civil liability of mobile phone carriers for failure to deliver services to their customers.

- 2.3 The ACA's other reasons for making the Prohibition, as set out in the declaration itself and described on page 17 of the discussion paper remain equally compelling:

- The devices could not be licensed under normal circumstances;
- Mobile jamming devices do not comply with the 900MHz Band Plan and cannot be appropriately dealt with under section 104 of the *Radiocommunications Act*;
- It is unfair to allow persons to profit from the sale of jamming devices when their use is prohibited;

- There are public safety electromagnetic emission (EME) concerns associated with the use of such devices; and
- In most situations, there are alternative mechanisms to achieve the same results.

2.4 Notwithstanding industry's strong support for retention of the Mobile Phone Jammer Prohibition, industry acknowledges that there have been developments since the Prohibition's introduction in 1999 that may require minor modifications to the Prohibition to take into account new frequency ranges, as examined below. However, the Associations believe that wholesale change to the Prohibition is not necessary.

Q2. Should the Mobile Phone Jammer Prohibition's scope be extended to include frequency ranges that are used by other wireless access services (WAS) such as Wi-Fi and WiMAX?

2.5 The Prohibition's scope should be extended to include other frequency ranges used by other WAS services. Where an operator clearly has a licence to legitimately provide services in a particular band, they should be afforded the same protection against illegal jamming activity in that band as those operating in the 825-845 MHz and 870-960 MHz band. It is only for historical reasons that they are currently not protected by the Prohibition; that is, the Prohibition reflects the narrower frequency ranges used to provide public mobile telecommunication services in 1999. It needs updating.

2.6 In light of the above, although this submission continues to use the term 'Mobile Phone Jammer', as per the Discussion Paper and current Prohibition instrument, the Associations suggest that the issues are equally relevant to the other wireless access services including, but not limited to, 3G, Wi-Fi and WiMAX, and the comments expressed in this paper should be read in this context.

2.7 Mobile services include telephony, messaging, data and internet services, all of increasing importance to customers. For example, customers will receive emergency alert warning messages via SMS, may access fire and other emergency information via mobile internet and may (as recently announced by the Government for customers with disabilities) access emergency services via SMS¹. Services supported may also include local services, not just mobile services. Hence, the title of the instrument may need to be broadened to "Wireless Services Jammer Prohibition".

Q3. How can the ACMA best approach regulation of emerging technologies that utilise devices that may be unnecessarily prohibited?

2.8 The Associations believe that the ACMA should continue to consider the needs of 'unnecessarily prohibited' emerging technologies on a case-by-case basis. The reasons for this are set out below.

¹ See <http://www.minister.dbcde.gov.au/media/speeches/2010/006> under "SMS Emergency Service".

- a) The public safety risks are too high to do anything other than judge each case for exemption on its merits.

The ACMA's Principles for spectrum management require it to balance the cost of interference and the benefits of greater spectrum utilisation (Principle 5). To achieve this, the ACMA must clearly judge each individual case on its merits, in close consultation with all stakeholders. It would be extremely difficult, if not impossible, to draft a 'general exemption' to try to exclude such devices from the Prohibition *en masse*. The risks are too high.

The examples cited in the Discussion Paper illustrate why jamming exemptions must be considered on a case-by-case basis. In considering the use of onboard jamming devices in aircraft, the ACMA judged the balance to be sufficiently in favour of the new technology to exempt it from the general Mobile Jammer Prohibition. The decision to exempt such devices was only made after considerable research, consultation and analysis to convince the ACMA that an exemption was justified and safe. The process was time-consuming but given the high stakes, particularly in relation to public safety, the Associations contend that it is necessary and appropriate.

Similarly, exemptions granted for security, policing and military training/operation reasons were only granted after considerable analysis and a high level of consultation with all relevant stakeholders to ensure that benefits of allowing the use of such devices, outweigh the costs.

In this case, there was no objection to emergency service personnel using jammers in emergency or life-threatening situations. However, to ensure that the rules are such that such devices are only used in defined circumstances, by appropriate personnel, with the necessary communication to other essential stakeholders – ie to ensure a safe, practicable, transparent system – required considerable research, consultation and analysis.² The resultant exemption, the Radiocommunications (Prohibited Devices) (Use of Electronic Counter Measures for Bomb Disposal Activities) Exemption Determination 2010, which came into force in April 2010, was accompanied by a detailed advisory guideline. It will also be necessary to ensure ongoing stakeholder involvement and analysis to monitor any problems and ensure that the community as a whole is assured of a net benefit from the use of such devices (particularly when used for training purposes).

- b) The conclusion that the public safety risks are too high to do anything other than judge each case for exemption on its merits is also reached when either of the above examples is considered against Spectrum Principle 3: *use the least cost and least restrictive approach to achieving policy objectives*. Assessing each issue on a case-by-case basis may not be a low cost option, and it is restrictive, but it is, in industry's view, the *only* option that can achieve the relevant policy

² Note that AMTA has made a number of submissions on this issue to the ACMA.

objectives: primarily to prevent harmful or otherwise unacceptable interference to legitimate radiocommunications.

- c) A case-by-case approach is also the only approach that can ensure that spectrum licensees' rights are appropriately considered. For example there will be notable differences between situations pertaining to specific correctional facilities: Lithgow (semi-isolated) versus Silverwater (close urban), for example. Principle 4 of the Spectrum Management Principles recognises that "Licensees need stable and predictable regulatory arrangements and sufficient certainty about tenure to be confident about investing in equipment and services."³ Anything other than a case-by-case exemption regime would threaten this certainty and considerably raise costs. The potential costs of negotiation and interference are considerable.

Q4. If the Mobile Phone Jammer Prohibition were re-made to provide a general exemption for tests/trials, what measures would be required to ensure the accountability and transparency of each decision?

2.9 As noted above, industry does not support a general exemption of the Prohibition. This includes any exemption for tests/trials. By requiring exemption decisions on a case-by-case basis, accountability and transparency concerns can be clearly addressed; all necessary conditions to ensure safety, transparency, accountability can be clearly attached to the exemption provision and can be tailored to address the case in hand. Clearly, a device used in an aircraft is quite different to one used by police, with very different safety considerations, interested stakeholders and so forth. Trying to cover all potential scenarios requiring a trial in a general exemption would be inordinately difficult and inefficient, even if a scientific licence were required which in itself required that separate criteria and accountability concerns be addressed.

2.10 Further, the introduction of a general exemption for tests and trials might risk individuals using the defence 'I was running a trial' and could see the proliferation of jamming devices for all sorts of spurious reasons (jamming in cafes, cinemas, etc). It may also increase their use by criminals. This is clearly not desirable. As discussed in response to question one, industry believes that the broad, *Ex-ante* approach to prohibit the possession of mobile phone jammers for any reason remains necessary and justified. Each and every exemption, including for trial purposes, must be judged on its merits and be strictly controlled to ensure accountability and transparency, as noted earlier.

Q5. Bearing in mind that the Radiocommunications Act provides that some spectrum users may be exempted from such standards, what approach should the ACMA take to the issue of EME standards in relation to the exempted use of mobile phone jammers?

2.11 The Associations contend that mobile phone jammers should be subject to EME standards as established by the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) and incorporated into a number of regulatory

³ P3, ACMA *Principles for Spectrum Management*, April 2010

instruments. There is no obvious reason why Australian health exposure standards should not be observed.

3. Other issues

- 3.1 This section of the submission addresses questions 8-11 in the ACMA's Discussion Paper.

Q8. What criteria should the ACMA use to assess requests for exemptions under section 27 of the Radiocommunications Act?

- 3.2 The exemption criteria and process currently followed by the ACMA when considering requests for exemption under section 27 of the Radiocommunications Act appear to be appropriate and useful. Clearly, it is important to consider each of the questions outlined under question four in detail: does the public benefit of making the exemption outweigh the potential risk, but the high-level questions provide useful guidance.

- 3.3 For example, the question *what is the interference potential and to what extent can it be mitigated?*, could be broken down into technical mitigation options and procedural mitigation options. The latter might include:

- requiring that there are detailed and specific written operational procedures that must be followed by any individual operating under the exemption;
- specifying appropriate personnel training;
- specifying appropriate delegated authority for ordering the use of such a device (if applicable); etc.

- 3.4 Industry therefore requests that the ACMA require ongoing stakeholder consultation about both:

- the high-level policy questions (whether or not an exemption is justified); and
- the operational detail of any exemption (how will it work; how often; where, etc).

This visibility is critical in ensuring that the legitimate operations of spectrum holders whose services will be impacted can be taken into account wherever possible.

Note that this ongoing stakeholder consultation by ACMA would be in addition to

any formal working arrangements between the carriers/AMTA and the Corrective Services group managing the Lithgow trial planning.

- 3.5 For example, for irregular but planned jamming events, operational guidelines might specify that impacted stakeholders must be provided notice of the event at least 3 months in advance. Mechanisms should also be required to ensure that planned operational events such as network upgrades or testing can be taken into account and avoided whenever possible. This might be achieved, for example, by requiring that the organisation with the jamming exemption set up mechanisms to periodically request information from affected spectrum licence holders about any planned events, and to take these into account when planning.
- 3.6 The Associations also suggest that it would be useful to ensure mechanisms are in place to allow the ACMA to re-assess exemptions if necessary, to ensure that the ongoing use of exempt jamming devices continues to be justified and meet interference/public benefit criteria.
- 3.7 There should also be clear rules about the handling of jamming devices. The Associations suggest that any jamming device must be treated in an equivalent fashion to a firearm i.e. each device should be inspected at least annually by an approved enforcement officer to ensure that the device has not been sold, or disposed of in an unauthorised manner. Any disposal must be conducted in a way that renders the device unusable, unless it is being supplied to another party with an appropriate exemption.

Q9. What other performance indicators would best inform evaluation of the success of the trial? [other than those listed on p27 of the Discussion Paper]

Q10. What sort of technology (including design and distribution of devices) could facilitate an effective jamming solution without causing harmful interference to radiocommunications services outside the trial facility?

Q11. Are there other matters that the ACMA should take into account in considering a section 27 exemption to enable a trial of mobile phone jammers at Lithgow Correctional Centre?

- 3.8 For the reasons outlined earlier in this paper, it is absolutely critical that industry is adequately represented and closely involved in the development and running of any trial of jamming devices in correctional centres.
- 3.9 Unfortunately, notwithstanding some assurance that the intention is for carriers to be closely consulted about the proposed trial at the Lithgow Correctional Centre, industry is concerned about the process to date. Little detail has been made available about the trial, despite an 'information session' having been held on 19 April 2010, and the processes and consultation commitments have been vague. It is concerning that the proposal for a trial has progressed this far without the affected stakeholders having been adequately consulted. It is absolutely critical

that the industry is fully consulted about the proposed trial before it progresses any further.

3.10 Industry looks forward to providing comprehensive comments about the proposed Lithgow trial once more details are made available. In the interim, the Associations make the following high-level comments.

a) Industry recognises that the illicit use of mobile phones by inmates of correctional facilities is a significant challenge for corrective services bodies in Australia and is becoming more difficult. The industry is generally opposed to the use of jamming devices, but concedes that a trial in prisons, under strict controls and in close consultation with industry, may be worth investigating. However, the Associations make the following points:

- It is essential that other options for controlling illegal entry and use of mobile devices in correctional facilities continue to be explored and, where relevant, implemented. Just as mobile device technology and jamming technology have evolved considerably since 1999, so have other technologies that may be worth considering. For example:
 - Could installation of low cost FEMTO cells effectively capture all calls within prison boundaries as an alternative to trying to jam communications? Such calls could be readily identified and efficiently monitored and if legislatively enabled, allow interception of any calls originating from, or terminating within, prison boundaries,
 - What 'detect then jam' options are available and are these being considered in the trial?
 - Is more widespread use of sniffer dogs an effective option?
 - Does the law need changing to provide greater disincentives to the importation and use of communication devices into prisons?

b) Even with the strictest criteria controlling the trial, there may be problems with legitimate customers' services affected. The government must take ultimate responsibility for any adverse affects: industry cannot accept liability for disruption caused by the use of any jammers. The carriers will need to be provided details of the appropriate contact in the ACMA / the operator of the jamming device so that it may refer customers who are experiencing problems or who have suffered loss due to the use of jammers.

3.11 In relation to the comments at 3.4 a, above, industry is keen to understand how the ACMA will compare and consider the cost/benefits of any solution trialled at Lithgow versus any other possible solution. This raises the following issues:

- a) Would the proposed Lithgow trial investigate the effectiveness of only one type of solution? Or would it be required to consider and test all possible alternative solutions so that decisions can be made using the best available evidence?
- b) How will the considerable investment in the trial design and implementation (assuming it goes ahead) impact any decision to grant a more permanent exemption for the use of jammers in prisons? What will be the expectation about the removal or otherwise of jamming devices at the end of the trial? It will be very costly to install secure, tamper-proof jamming devices in a correctional facility such as Lithgow and there will be obvious pressure on the ACMA to allow the jamming devices to remain there at the end of the trial period, and, unless the trial is a complete failure, for them to continue to be operated. As such, it will be tempting for authorities to continue to operate whatever system has been trialled, notwithstanding the fact that there may be other, better, alternatives.
- c) Will there be stringent requirements associated with the physical security of the devices? This is essential not only to ensure that the devices can operate effectively, but, more importantly, that there is no risk that the devices will end up somewhere else, being used illegitimately.
- d) Will the trial cover the use of other WAS technologies, such as Wi-Max⁴? From a practical point of view, to be effective in stopping illegitimate communications between prisoners and others, all such technologies must be targeted at the same time.
- e) Will there be capabilities to turn jammers off quickly and efficiently, should the need arise in an emergency situation?

3.12 Industry contends that there are a number of ground rules that must be made clear before the commencement any trial:

- a) Any trial must closely involve all spectrum licence holders who will be impacted. A co-operative approach is essential to ensure that:
 - Appropriate parameters are agreed in writing;
 - All costs are met by those responsible for the trial (not by the Carriers);
 - Processes and procedures are clearly defined in writing; and
 - Review processes are documented and in place.

The New Zealand system provides a useful starting point with consultation with telecommunications carriers occurring early and agreed, mandatory technical procedures clearly set out in the *Telecommunication Carriers' Forum's Code for the Control of Unauthorised Use of Mobile Phones in Prison*⁵. This includes provisions to ensure that mobile operators have the right to view and request changes at the design stage of any jamming proposal, allowing them to ensure

⁴ Noting that there is currently no WiMAX network deployed at this location.

⁵ See: <http://www.tcf.org.nz/library/e7b0100d-e056-4ef7-9d12-c18e5b4fb103.cmr>

that their customers' rights are appropriately protected. Furthermore, they have the right to veto proposals in cases where the parties are not able to resolve problems.

- b) The results of the trial must be transparent with relevant stakeholders (including Carriers) provided full details during and after the trial.
- c) The success of such a trial would not justify consideration of any carte blanche exemption for other correctional facilities throughout the country.
- d) Should the trial suggest that jamming technologies can provide a useful tool to address the problems outlined by the correctional authorities, the continued use of jammers within Lithgow and their introduction elsewhere must be carefully considered and managed to ensure each facility is judged individually.
- e) The trial should cover the use of other WAS technologies, such as Wi-Max.
- f) The trial should test a range of possible alternative solutions so that decisions about ongoing use can be made using the best available evidence.
- g) Jamming is only one possible solution. All non-jamming options must continue to be explored and enforced where relevant.
- h) Permission for the trial (if granted) is done so purely for law enforcement purposes. The general prohibition of jamming devices remains and trials of any device will only be considered if use of such a device is clearly justifiable in terms of public benefit and is technically feasible.
- i) The potential impact of any trial on services such as the new emergency warning system (EWS) must be considered to prevent conflict of interest in emergency situations. For example, the EWS operates by sending a text message to individuals identified as being in particular wide locations that are potentially under threat. It is a 'single shot' attempt, thus an individual visiting a correctional facility – or suffering from jamming spill near one – would not receive the notification. This could endanger lives.
- j) Service users in the vicinity of the prison need to be warned about the potential for interference to their services. This must include written advice to nearby businesses and residences, signs in carparks and along any roads potentially impacted. Notices must include an ACMA contact point for noting interference issues.
- k) Government must remove any potential liabilities for industry arising from the trial, including, but not limited to:
 - Any disruption to customer services and any complaints arising from customers;

- Any loss of access to triple zero within and external to the prison;
- Any loss of emergency warning phone calls or SMS to persons within and external to the prison; and
- Any inaccuracy that might be caused to carrier coverage maps.

4. Options

- 4.1 This section of the submission addresses questions 12-21 in the ACMA's Discussion Paper, where those issues have not already been explored in detail earlier in this submission.

Q12. Does the existing Mobile Phone Jammer Prohibition provide adequate protection from the supply, possession or operation of mobile phone jammers?

And Q13. Does the ACMA's approach to the regulation of mobile phone jammers constitute an appropriate combination of ex ante and ex post regulation? If not, what kind or combination of regulation is most appropriate for mobile phone jammers?

- 4.2 As already stated, industry supports retention of the Mobile Phone Jammer Prohibition, believing its use of *ex ante* regulation to prohibit the possession of mobile phone jammers for any reason remains necessary and justified. However, it does require updating to take into account new frequencies being used for mobile and similar devices.

Q14. Should all mobile telephony bands be included in the Mobile Phone Jammer Prohibition? If so, should the bands be provided for specifically by reference to frequency range or described in more general terms so as to automatically include bands allocated for mobile telephony services in the future?

- 4.3 The Associations support Option 2A: expanding the scope of the Mobile Phone Jammer Prohibition to include not just all mobile telephony bands, but also all WAS bands. It is unclear how the addition of new bands could be captured automatically, so the Associations suggest that it may be best to continue to reference particular bands. Notwithstanding the fact that additional licensed spectrum bands for wireless broadband services are expected to be allocated in the next few years, new bands are allocated relatively infrequently. It would therefore not place undue administrative burden on the ACMA. It would, however, appear sensible for the ACMA to consider a mechanism associated with spectrum licence issue to automatically trigger the ACMA to amend the Prohibition to include new bands.

Q15. Are there other responsible bodies that should be considered for this kind of limited exemption in the Mobile Phone Jammer Prohibition?

Q16. Should Option 2D apply:

- a) generally; or
- b) at the ACMA's discretion; or
- c) is it more appropriate to limit such an exemption to specified parties?

4.4 For the reasons described in 2.8, neither option 2B (amending the scope of the prohibition to target nuisance jammers) nor 2D (amending the scope to allow for testing/trialling) is supported. The public safety risks are too high to do anything other than judge each case for exemption on its merits. Continuing with the *ex ante* regulation is appropriate. Similarly, Option 2C is not supported.

4.5 The Associations consider that formalisation and publication of its decision-making processes in relation to granting of exemptions to the prohibition would be useful. In addition to helping make the process more transparent, it would arguably speed up the exemption process itself because it would be clear to everyone what conditions and criteria required addressing. Industry would be keen to be provided the opportunity to comment on such criteria to assist ensuring they are as useful as possible.

Q17. Should the ACMA formalise its decision-making process for assessment of the status of devices in relation to the Mobile Phone Jammer Prohibition or section 27 exemptions?

Q18. Are the current criteria appropriate for this decision-making process? Are there other criteria that should be considered?

4.6 Industry would not support Option 3 – revocation of the Mobile Phone Jammer Prohibition, for reasons already detailed in this submission.

Q20. Assuming the Mobile Phone Jammer Prohibition is not revoked, should it be amended or remade? If so, what are the advantages and disadvantages of the potential changes discussed under Option 2?

4.7 The response under 4.3 addresses possible amendments to the Mobile Phone Jammer Prohibition.

Q21. Are there any other amendments the ACMA should consider?

4.8 The Associations have no further amendments to suggest.

5. Conclusions

5.1 The Mobile Phone Jammer Prohibition is strongly supported by industry. Notwithstanding the need to update it to take into account new frequency ranges used for wireless access services, it remains a useful and necessary regulatory measure.

- 5.2 Any exemptions to the Prohibition must be considered on a case-by-case basis, with a formalised and transparent exemption process to ensure all stakeholders are clear on the processes, conditions and criteria that must be met before an exemption is considered. Stakeholders should be closely involved in consultations prior to, during and after any exemption is granted.
- 5.3 Industry considers it essential that it is consulted before any further development of the proposed Lithgow Correctional Centre trial. This includes direct contact with the organisation that would run any trial to ensure that operational and technical parameters are understood and clearly agreed, and consultation and clarification with the ACMA about the wider policy parameters, conditions and expectations about trial parameters, results and subsequent implications.
- 5.4 The Associations thank the ACMA for the opportunity to provide comment and look forward to further discussions on the issues in the near future.

For further information or clarification please contact Policy Manager, Peppi Wilson, at AMTA on 02 6239 6555 or email peppi.wilson@amta.org.au