

Radiocommunications (PMTS Jamming Equipment) Permanent Ban 2022

The Australian Communications and Media Authority makes the following permanent ban under subsection 172(1) and section 174 of the *Radiocommunications Act 1992*.

Dated:

Member

Member/General Manager

Australian Communications and Media Authority

1 Name

 This is the *Radiocommunications (PMTS Jamming Equipment) Permanent Ban 2022*.

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 is available, free of charge, at [www.legislation.gov.au](http://www.legislation.gov.au).

3 Authority

 This instrument is made under subsection 172(1) and section 174 of the Act.

4 Revocation

 The *Radiocommunications (Prohibition of PMTS Jamming Devices) Declaration 2011* [F2011L00346] is revoked with effect on the day this instrument commences.

Note 1: See item 49 of Schedule 4 to the *Radiocommunications Legislation Amendment (Reform and Modernisation) Act 2020*.

Note 2: See section 174 of the Act.

5 Interpretation

 (1) In this instrument, unless the contrary intention appears:

***Act*** means the *Radiocommunications Act 1992*.

***carriage service*** has the meaning given by section 7 of the *Telecommunications Act 1997*.

***mobile station*** has the meaning (if any) given by:

 (a) the *Radiocommunications (Interpretation) Determination 2015*; or

 (b) if another instrument is made under subsection 64(1) of the *Australian Communications and Media Authority Act 2005* to replace that determination – the other instrument.

***PMTS frequency band*** means a frequency band used for the supply of a public mobile telecommunications service.

***PMTS jamming equipment***: see subsection (2).

***public mobile telecommunications service*** has the meaning given by subsection 32(1) of the *Telecommunications Act 1997*.

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

(a) equipment;

(b) frequency band;

(c) operate;

(d) radiocommunication;

(e) radio emission.

 (2) Subject to subsection (3), each of the following is ***PMTS jamming equipment***:

 (a) equipment that is both:

 (i) designed to have an adverse effect on radiocommunications; and

 (ii) capable of operating on a frequency within a PMTS frequency band (whether or not it is capable of operating on another frequency);

 (b) equipment that is designed to block radio emissions between:

 (i) a base station used in the provision of a public mobile telecommunications service; and

 (ii) a mobile station;

 whether or not the equipment is designed to have other purposes or consequences.

 (3) Despite subsection (2), if the principal purpose of equipment is to enable a person to use a carriage service, the equipment is not ***PMTS jamming equipment***.

6 References to other instruments

 In this instrument, unless the contrary intention appears:

 (a) a reference to any other legislative instrument is a reference to that other legislative instrument as in force from time to time; and

 (b) a reference to any other kind of instrument or writing is a reference to that other instrument or writing as in force, or existing, 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.

Note 3: See section 314A of the Act.

7 Permanent ban

 (1) A permanent ban is imposed on PMTS jamming equipment.

 (2) The permanent ban in subsection (1) comes into force on the day this instrument commences.

Note: See section 173 of the Act.