



AMTA and Communications Alliance submission to the ACMA

Proposed exemption for mobile phone jammer at
Lithgow Correctional Centre

6 July 2018



The Australian Mobile Telecommunications Association (AMTA) and Communications Alliance (the Associations) welcome the opportunity to provide comment on the ACMA's consultation paper on the proposed exemption for a mobile phone jammer at Lithgow Correctional Centre.

In principle, the Associations do not generally support the use of mobile jamming and jamming trials due to the very real risk of interference to public mobile telecommunications networks and services. We note that mobile services are ubiquitous in Australia, with many families and individuals relying on mobile services as their sole means of communications.¹ We also note that close to 70% of calls to Triple Zero originate from a mobile. We therefore strongly support the ACMA's prohibition on the use of jammers as per the *Radiocommunications (Prohibition of PMTS Jamming Devices) Declaration 2011*.

That said, the Associations understand and appreciate the challenge faced by NSW Correctional Services (and other jurisdictions) in managing the illicit use of mobile phones in correctional facilities. We therefore, take the view that mobile jamming can be an effective tool in this instance, provided that the appropriate safeguards are put in place to ensure that there is no interference to public mobile telecommunications networks and their customers.

The Associations therefore accept that use of mobile jamming is a worthy purpose for an exemption under Subsection 27; with the proviso that each exemption must be carefully considered on a case by case basis by the ACMA working in close consultation with mobile network operators and other stakeholders.

More specifically, in order to ensure that any interference to mobile networks and customers using those networks is appropriately managed, the Associations take the view that each correctional facility will always need to be assessed on a case by case basis with regard to the impact on mobile networks and customers. Due to the uniqueness of each correctional facility, each trial has the

¹ [ACMA 2016-17 Communications Fast Facts](#), more than 6.6 million Australian adults have a mobile phone and no fixed-line phone at home

potential to raise unforeseen issues but we believe that in working together we can successfully manage any interference issues.

With regard to the Lithgow trial, the Associations note that the trial has now been running for several years and interference issues have been successfully managed, however, the local geography of the Lithgow facility and the surrounding environment has been a key factor in minimising the risk interference. We note that the Lithgow facility has provided an almost ideal environment for the trial as it is located in a low density area and the facility itself is physically isolated from the surrounding community.

We are therefore amenable to the proposal to transition from the trial phase to business as usual for the use of jamming at the Lithgow facility and that the new instrument be drafted to support such an approach. We also support the view that the Lithgow Exemption Determination should have a longer duration with the appropriate checks and balances (including the ability to request a halt to jamming if evidence indicates that there is a degradation in the mobile networks or access to those networks due to jamming). AMTA members have also suggested to the ACMA that while the current monthly drive trials could be conducted less frequently going forward; that any detected change in interference levels should still trigger more frequent monitoring if needed.

Our support for such an approach at Lithgow, however, does not mean that we would support the same approach at other facilities. As each facility will have a unique environment, and particularly as the isolated environment at Lithgow is unlikely to be replicated, we maintain the need for each facility to be considered on a case by case basis with an Exemption Determination tailored for each location.

Further, with regard to Lithgow, we maintain that the business as usual approach and duration of the instrument will need to be qualified in the drafting of the Exemption Determination so that there is the ability to react quickly to any changes to the status quo – noting that such changes may result from technological advances and changes to mobile networks, changes to the jamming devices and antenna systems, as well as changes to the environment around the facility.

For example, the roll-out of 5G mobile technology could have implications for the use of jamming as new spectrum bands will be utilised for 5G (e.g. 25-26 GHz). 5G will also enable greater use of IoT (Internet of Things) applications such as autonomous vehicles and connected roadways, wearables, smart agriculture, transport logistics and exponentially more connected devices in the community that could be impacted by interference. We note that the EU² mandated on the 31 March 2018 that all cars be manufactured to include an eCall mobile device and Australia's car market is now completely import-based. AMTA believes that 5G has the potential to result in significant technological advancements, not only in mobile communications and networks but across all industry sectors of the economy. These changes will inevitably be felt within the next ten years, so it is critical that the Lithgow Exemption Determination is resilient to these expected developments.

Similarly, while the Lithgow facility is currently quite geographically isolated, it is possible that this could easily change due to re-development of the area or increased housing construction. If the local environment around the Lithgow facility experiences significant change or growth, this could have implications for the ongoing use of jamming.

Also, changes to how the jamming device is used can potentially result in changes to interference levels. It is imperative that mobile network operators are kept advised of any changes to the

² <http://www.eena.org/news/eu-legislation-on-ecall-enters-into-force-on-31-march#.WtQ5gtRuZ0w>

operation of the jammer. We note that the Carrier Liaison Agreement is the appropriate instrument for ensuring that there is continued close consultation between the mobile network operators and NSW Correctional Services.

The Associations also note that the Government has indicated its intention to pass the *Radiocommunications Bill 2018* sometime this year along with the associated *Transitional & Consequential Amendments Bill* and associated instruments. It is highly desirable that the Lithgow Exemption Determination is consistent with the proposed Bills and the new regulatory regime.

It is therefore important that the new instrument is drafted so that it avoids any unintended consequences in terms of future interference issues. We believe that that this can be achieved by ensuring that the new instrument includes the following:

- A regular review process – we suggest every two years;
- Ability to immediately stop the jamming if adverse effects are being experienced by mobile network operators or other users of spectrum in the vicinity;
- Be limited to the Lithgow facility; and
- Be consistent with the proposed *Radiocommunications Bill 2018*; and
- Require CSNSW to maintain a Carrier Liaison Agreement with the mobile network operators for the purposes of the jammer's operation.

Finally, the Associations also note that jamming is a blunt instrument for controlling the use of mobile phones in correctional facilities.

In previous consultations, AMTA suggests that a managed access approach combined with IMEI blocking (see box below) would provide a less expensive and more manageable solution to the problem of mobile phones in correctional facilities while also posing significantly less risk of interference to mobile networks. We note that managed access systems will still carry some risk of interference and will need to be managed in close co-operation with mobile network operators.

The advent of 5G which enables network slicing offers further technical improvement to how a managed access approach could be implemented in correctional facilities.

The Associations appreciate the opportunity to provide comments on the ACMA's consultation on the proposed exemption for a mobile phone jammer at Lithgow and will continue to engage in the consultation process.

For any questions about this submission, please contact Lisa Brown, Policy Manager, AMTA at lisa.brown@amta.org.au or 02 8920 3555.