

Proposal to enable mobile phone trial on board aircraft

The amendment would exclude from the prohibition the operation of devices covered by a scientific assigned apparatus licence issued by ACMA for the purposes of trialling the operation of mobile phones in a particular manner on board aircraft in flight. The Civil Aviation Safety Authority is primarily responsible for safety-of-life issues associated with any modifications made on aircraft, including installation of devices to facilitate a GSM mobile phone service.

Use of mobile phones on board aircraft is currently not permitted in Australia because of, in particular, the potential interference with essential on-board flight systems. In addition, there is no licensing framework to authorise the operation of mobile phone equipment on board aircraft. Under the *Radiocommunications Act 1992*, the operation of all radiocommunications transmitters used in Australia, including mobile phone handsets, must be authorised by a radiocommunications licence.

A declaration was made by the former Australian Communications Authority in 1999 to prohibit the operation or supply, or possession for the purpose of operation or supply, of a device designed to operate within the frequency bands 870–960 MHz or 825–845 MHz and to interfere with radiocommunications or disrupt or disturb radiocommunications.

The declaration followed a lengthy consultation process and was designed to capture mobile phone jammers, which transmit signals to interfere with reception from cellular telecommunications base stations over a short distance. The principal reasons for the declaration were:

- mobile phone jammers cause deliberate interference to licensed services operated by mobile carriers, and

ACMA recently sought public comment on a proposal to amend the prohibition on mobile phone 'jammers', which is associated with a proposal to provide 1800 GSM mobile phone services on board aircraft in flight.

may cause interference to other services operating in adjacent spectrum bands

- jammers transmit signals that interfere with reception from mobile phone base stations and all mobile phones used within a radius of up to four kilometres from the device could be 'jammed', and
- concern that radiation levels of high-powered devices may result in human exposure to levels of electromagnetic radiation that exceed the maximum permitted under Australian health exposure standards, which has implications for public health and safety, especially in confined areas.

While ACMA is not proposing to amend any of the reasons given in the 1999 declaration, communications technologies have evolved since 1999. Both technical viability and consumer interest in providing mobile communications on aircraft for use by passengers has increased in recent years. International regulatory bodies have initiated investigations with industry representatives from the avionics and telecommunications sectors into operation at 1800 MHz of global system for mobiles (GSM) services on aircraft.

Proponents of the supply of GSM services on board aircraft have provided ACMA with information about a technical approach designed to facilitate on-board mobile telecommunications in the 1.8 GHz band under a roaming agreement with the mobile phone users' normal carrier. The 1800 GSM mobile phone service on board aircraft is expected to be comparable to existing terrestrially-based services, including full duplex voice and text messaging support for GSM phones capable of operating within the 1800 MHz–1900 MHz GSM frequency band, and GPRS and related services such as picture messaging or email.

However, providing this service involves the device blocking access to terrestrially-based radiocommunications in the frequency bands 870–960 MHz or 825–845 MHz, which is prohibited by the declaration. The proposed amendment will exclude the operation of devices covered by a scientific assigned apparatus licence issued by ACMA for the purposes of trialling the operation of mobile phones in a particular manner on board aircraft in flight.

As well as giving the Australian market the opportunity to determine the commercial viability of such a system, the licensing framework includes a mandatory reporting system for the assessment, recording and reporting of any incident of interference to existing terrestrial radiocommunications. This will enable ACMA to determine and investigate the right technical approach for provision of such a service.

For more information about the proposed amendment, contact ACMA's Regulatory Development Section by email to radiocommunications.licensing.policy@acma.gov.au.

Changes to mobile premium services rules proposed

ACMA recently sought comments on proposed changes to the rules governing provision of mobile premium services, including rules to prohibit or restrict access to certain categories of content accessible on mobile premium rate numbers and mobile carrier portals.

The rules are contained in the Telecommunications Service Provider (Mobile Premium Services) Determination 2005 (No.1), which was made on 29 June 2005. The determination provides for mobile carriage service providers and content service providers to develop a self-regulatory scheme that contains rules to give mobile premium service users transparency of the costs and terms and conditions of services, and sets out procedures for handling complaints about the services.

The determination assumed that such a scheme would be developed by three organisations: the Telephone Information Services Standards Council, the Australian Mobile Telecommunications Association, and the Australian Direct Marketing Association.

Changes in the parties involved in developing the scheme have shown that this approach lacks flexibility. The draft amendment therefore aims to enhance flexibility around the organisations that are responsible for development of the scheme, while ensuring that it takes proper account of the diverse interests active in the mobile content market.

To assist in the administration of the determination and the self-regulatory scheme approved under it, the draft amendment also includes

proposals to:

- change the length of the time between approval of a scheme and its commencement to 30 days
- change the length of the time for ACMA to approve amendments to self-regulatory schemes to 60 days and
- provide a mechanism for replacement of the rules that apply to service providers that are not members of a self-regulatory scheme (known as the default scheme).

The original determination and draft amendment are on the ACMA website at www.acma.gov.au (go to Phones > Premium Services > Premium Phone Services). Submissions on the proposed changes closed on 1 September 2006.