

News

Telecommunications

THE Australian Communications Authority (ACA) is considering declaring mobile phone jammers as prohibited devices under the Radiocommunications Act 1992. Prohibition would make it an offence to operate, supply or possess for the purpose of operation or supply, such a device without reasonable excuse. If mobile phone jammers are prohibited, it will be the first time that a device has been dealt with in this way. The ACA is seeking public comment before taking such a step. Comments are due by January 4, 1999.

The jammer is a small box which emits a signal that interferes with mobile phone transmissions. First developed in Israel, it doesn't come cheap - between \$8,000-9,000 each - so its market is strictly limited. Though the ACA has, as yet, no evidence that people in Australia are using jammers, it suspects that some devices have been imported into the country. Theatre, cinema and restaurant owners are being targeted as potential customers, given the jammer's ability to interfere with mobile phone usage.

The ACA's spectrum management responsibilities include provisions relating to minimising interference to radiocommunications. It also has a responsibility for electromagnetic radiation matters and is concerned that levels of some mobile phone jammers may result in exposure levels exceeding the maximum permitted under the interim and proposed

Australian health exposure standards.

Even if the ACA does not prohibit mobile phone jammers, the devices cannot be used lawfully in Australia because their advertised purpose is to deliberately interfere with the legitimate operation of other radiocommunications devices and they therefore cannot be licensed under the Act.

THE ACA has released its report "Limits on Tort Liability". The report carries the ACA's decision not to impose any limits on the amount of monetary compensation recoverable from carriers and carriage service providers for loss or damage arising from negligent or other tortious acts in relation to supply of telecommunications services. This decision represents a fundamental change to the long history of statutory immunity or limitations on the liability of telecommunications service providers for negligent acts.

The ACA undertook an extensive consultation process in compiling the report, including meeting with industry and consumer representatives. An Issues Paper was released in February 1998 seeking written submissions on whether or not the ACA should impose any liability limits.

The ACA also considered the report "Liability in Tort for Network and Service Failure" prepared by the Communications Law Centre, which examined the liability of carriers and carriage service providers where telecommunications networks and services fail.

THE 1997-98 Telecommunications Performance Report has been released by the ACA. It examines the performance of carriers and carriage service providers in a competitive industry, with particular reference to consumer satisfaction, consumer benefits and quality of service.

The objective of the report is to provide baseline information on different parts of the industry. This information will be used in future reporting to provide comparisons about carrier or carriage service provider performance, and about the size and growing importance of various sections of the industry.

The report highlights: the end of the fixed network duopoly; increasing competition in the provision of long distance fixed services; the introduction and initial impact of the Customer Service Guarantee; the approval by the Minister of Telstra's Universal Service Plan; the performance levels of provisioning and fault restoration standards; the introduction of limited local number portability; levels of reported quality of service indicators for mobile phones; the formation of the Australian Communications Industry Forum; the growth in the number of Internet service providers; and substantial growth in pay TV subscriptions.

Contact the ACA on (03) 9963 6968 for a copy of the report or go to its website:

<http://www.aca.gov.au/publications/index>

Online/Internet services

FIGURES released by the Australian Bureau of Statistics (ABS) show that as of August 1998, 1.25 million households in Australia (18 per cent of the total number of households) had access to the Internet from home. This is an increase of 28 per cent over the estimate recorded for May 1998 (971,000 households) and 46 per cent greater than that recorded in February 1998 (854,000 households).

In the 12 months to August 1998, almost 4.2 million adults (32 per cent of Australia's total adult population) accessed the Internet. The most frequently reported places for Internet access were work and home (1.9 million persons each), a neighbour's or friend's house (934,000 persons) and TAFE or tertiary institutions (933,000).

A total of 425,000 adults used the Internet for purchasing/ordering goods and services in the 12 months to August 1998. They undertook an estimated 1.3 million transactions (orders or purchases) for private use.

But as a mechanism to pay bills or transfer funds, the Internet remains insignificant compared to the use of EFTPOS, the telephone or an ATM. Less than one per cent of adult Australians used the Internet in the three months to August 1998 to pay bills or transfer funds. This compared to almost 35 per cent of adults (4.7 million) using a telephone to pay bills or transfer funds, 60 per cent using EFTPOS and 69 per cent an ATM.