Do Not Call Register (Access to Register) Determination 2007

Do Not Call Register Act 2006

The AUSTRALIAN COMMUNICATIONS AND MEDIA AUTHORITY makes this Determination under subsection 20 (1) of the Do Not Call Register Act 2006.

Dated 27th April 2007

Chris Chapman (signed) Chairman

Lyn Maddock (signed) Deputy Chair

Australian Communications and Media Authority
1 **Name of Determination**

This Determination is the *Do Not Call Register (Access to Register) Determination 2007*.

2 **Commencement**

This Determination commences on 25 May 2007.

3 **Definition**

In this Determination:

*Act* means the *Do Not Call Register Act 2006*.

*Note* Other words and phrases applicable to this Determination are defined in section 4 of the Act.

4 **Manner in which submission under section 19 of the Act is to be made**

(1) For paragraph 20 (1) (a) of the Act, this section explains how a list of telephone numbers is to be submitted to ACMA or the contracted service provider under subsection 19 (1) of the Act.

*Note* The list is confined to telephone numbers. It must not contain any other information.

(2) Each telephone number included in the list must:

(a) be 10 digits long; and

(b) start with a zero.
(3) An access-seeker must register with ACMA, by completing the registration procedure set out on the website of ACMA or the contracted service provider, before being eligible to submit a list of telephone numbers under this section.

(4) An access-seeker that is registered under subsection (3) may submit a list by uploading the list via a secure path in Comma Separated Variable (CSV) format, available from the website of ACMA or the contracted service provider.

(5) An access-seeker that is registered under subsection (3) may submit a list by:
   (a) saving the list on a CD-ROM in CSV format; and
   (b) sending the CD-ROM by certified mail to an address available from the website of ACMA or the contracted service provider.

   Note The Privacy Act 1988 sets out obligations relating to the recording and provision of personal information.

(6) An access-seeker that is registered under subsection (3) may submit a list by entering up to 10 of the numbers in the list at a time on a facility located on:
   (a) ACMA’s website; or
   (b) the contracted service provider’s website;

   in accordance with arrangements approved by ACMA.

   Note The access-seeker is not limited as to the number of times it may repeat this process. The arrangements approved by ACMA will explain the way in which the series of entries will be treated as 1 list.

(7) An access-seeker that is registered under subsection (3) may submit a list in another manner that is:
   (a) approved by ACMA; and
   (b) specified on ACMA’s website.

   Note 1 Section 11 of the Act, and the Do Not Call Register Regulations 2006, relate to obligations relating to making calls to Australian telephone numbers that are registered on the Do Not Call Register.

   Note 2 Under subsection 19 (2) of the Act, a fee may be payable in relation to the submission of a list of telephone numbers.

(8) An access-seeker may not submit a list in any other way.

5 Informing access-seeker about numbers registered on the Do Not Call Register

(1) For paragraph 20 (1) (b) of the Act, this section explains how ACMA or the contracted service provider may inform an access-seeker, under subparagraph 19 (2) (d) (i) of the Act, which numbers (if any) on a list of telephone numbers submitted under section 19 of the Act are registered on the Do Not Call Register.
(2) If the access-seeker submitted the access-seeker’s list in accordance with subsection 4 (4), ACMA or the contracted service provider must inform the access-seeker by making a list of the access-seeker’s numbers that are registered on the Do Not Call Register available for download:

(a) from the website of ACMA and the contracted service provider (if any); and

(b) on a secure path in Comma Separated Variable (CSV) format.

(3) If the access-seeker submitted the access-seeker’s list in accordance with subsection 4 (5), ACMA or the contracted service provider must inform the access-seeker by:

(a) saving a list of the access-seeker’s numbers that are registered on the Do Not Call Register on a CD-ROM in CSV format; and

(b) sending the CD-ROM by certified mail to the access-seeker.

(4) If the access-seeker submitted the access-seeker’s list by entering numbers on a facility on a website in accordance with subsection 4 (6), ACMA or the contracted service provider must inform the access-seeker by displaying the numbers that have been registered on the website as soon as practicable after the numbers are entered.

(5) If the access-seeker submitted the access-seeker’s list in accordance with subsection 4 (7), ACMA or the contracted service provider must inform the access-seeker in:

(a) the manner specified in subsection (3); or

(b) another manner that is:

(i) approved by ACMA; and

(ii) specified on ACMA’s website.

6 Informing access-seeker about numbers not registered on the Do Not Call Register

(1) For paragraphs 20 (1) (b) and (c) of the Act, this section explains how ACMA or the contracted service provider must inform an access-seeker, under subparagraph 19 (2) (d) (ii) and subsection 19 (3) of the Act, which numbers (if any) on a list of telephone numbers submitted under section 19 of the Act are not registered on the Do Not Call Register.

(2) If the access-seeker submitted the access-seeker’s list in accordance with subsection 4 (4), ACMA or the contracted service provider must inform the access-seeker by making a list of the access-seeker’s numbers that are not registered on the Do Not Call Register available for download:

(a) from the website of ACMA and the contracted service provider (if any); and

(b) on a secure path in Comma Separated Variable (CSV) format.
(3) If the access-seeker submitted the access-seeker’s list in accordance with subsection 4 (5), ACMA or the contracted service provider must inform the access-seeker by:
   (a) saving a list of the access-seeker’s numbers that are not registered on the Do Not Call Register on a CD-ROM in CSV format; and
   (b) sending the CD-ROM by certified mail to the access-seeker.

(4) If the access-seeker submitted the access-seeker’s list by entering numbers on a facility on a website in accordance with subsection 4 (6), ACMA or the contracted service provider must inform the access-seeker by displaying the numbers that have not been registered on the website as soon as practicable after the numbers are entered.

(5) If the access-seeker submitted the access-seeker’s list in accordance with subsection 4 (7), ACMA or the contracted service provider must inform the access-seeker in:
   (a) the manner specified in subsection (3); or
   (b) another manner that is:
      (i) approved by ACMA; and
      (ii) specified on ACMA’s website.

7 Return of list

(1) If an access-seeker submits the access-seeker’s list in accordance with section 4, ACMA or the contracted service provider may return the list to the access-seeker in accordance with any of the methods set out in sections 5 and 6.

(2) ACMA or the contracted service provider must return the list in a way that shows:
   (a) which numbers in the list have been registered; and
   (b) which numbers in the list have not been registered; and
   (c) which purported numbers (if any) have not been treated as telephone numbers.

   Note A purported number may not be treated as a telephone number for the purposes of registration:
   (a) because it has more or fewer than 10 digits; or
   (b) because it does not begin with zero; or
   (c) because the information that relates to the purported number shows that it is not a telephone number; or
   (d) for another reason.

(3) ACMA or the contracted service provider must give the access-seeker the following information at the same time as returning the list:
   (a) a unique reference number for the list;
   (b) the total number of telephone numbers that the access-seeker submitted;
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(c) the total number of telephone numbers on the list submitted that were registered;
(d) the total number of telephone numbers on the lists submitted that were not registered;
(e) the total number of purported numbers that have not been treated as telephone numbers;
(f) the date on which, and the time at which, ACMA or the contracted service provider received the list from the access seeker;
(g) the date on which, and the time at which:
   (i) the access-seeker was informed, in accordance with section 5, about the numbers that were registered on the Do Not Call Register; and
   (ii) the access-seeker was informed, in accordance with section 6, about the numbers that were not registered on the Do Not Call Register.