Do Not Call Register (Access Fees) Determination 2007

as amended

made under subsection 21 (1) of the

Do Not Call Register Act 2006

This compilation was prepared on 1 July 2009
taking into account amendments up to Do Not Call Register (Access Fees) Amendment Determination 2009 (No. 1)

Prepared by the Office of Legislative Drafting and Publishing, Attorney-General’s Department, Canberra
## Contents

1. Name of Determination [see Note 1] ........................................... 3
2. Commencement ........................................................................ 3
3. Definitions .............................................................................. 3
4. Fees ....................................................................................... 3
5. Subscription types .................................................................... 4
6. Annual subscription fee ............................................................. 5
8. Invoices .................................................................................. 5
9. Refunds .................................................................................. 6

## Notes ...................................................................................... 7
1 Name of Determination [see Note 1]
This Determination is the Do Not Call Register (Access Fees) Determination 2007.

2 Commencement
This Determination commences on 25 May 2007.

3 Definitions
In this Determination:

access-seeker has the same meaning as in subsection 19 (1) of the Act.

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, including contracted service provider.

4 Fees
(1) For paragraph 21 (1) (a) of the Act, the fee for services provided under subsection 19 (2) or (3) of the Act is comprised of the following amounts:

(a) the amount mentioned in the following table for not more than the number of telephone numbers, mentioned for a subscription type, that the access-seeker may submit for checking in a subscription period;

(b) any bank fees incurred by ACMA or the Commonwealth for the purpose of processing a payment, made or originating outside Australia, of an amount mentioned in paragraph (a).

<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2</th>
<th>Column 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subscription type</td>
<td>Maximum number of telephone numbers able to be submitted for checking during a subscription period</td>
<td>Annual subscription fee ($)</td>
</tr>
<tr>
<td>A</td>
<td>500</td>
<td>0</td>
</tr>
<tr>
<td>B</td>
<td>20 000</td>
<td>78</td>
</tr>
<tr>
<td>C</td>
<td>100 000</td>
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</tr>
<tr>
<td>D</td>
<td>1 000 000</td>
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<td>26 400</td>
</tr>
<tr>
<td>F</td>
<td>20 000 000</td>
<td>44 000</td>
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<tr>
<td>G</td>
<td>50 000 000</td>
<td>66 000</td>
</tr>
<tr>
<td>H</td>
<td>100 000 000</td>
<td>88 000</td>
</tr>
</tbody>
</table>
Section 5

(2) For subsection (1):
   (a) a number that is submitted for checking is taken to be a telephone number even if it is not in fact a telephone number; and
   (b) a number that is submitted for checking more than once is to be counted separately for each time that it is submitted.

5 Subscription types

(1) An access-seeker may hold 1 or more subscription types subject to:
   (a) payment of the annual subscription fee for each subscription held; and
   (b) the access-seeker being registered under subsection 4 (3) of the Do Not Call Register (Access to Register) Determination 2007.

   Note Access-seekers may apply for a subscription when registering under subsection 4 (3) of the Do Not Call Register (Access to Register) Determination 2007.

(2) However:
   (a) an access-seeker may only hold 1 subscription type A at a time; and
   (b) an access-seeker who holds a subscription type A may not hold any other subscription type while that subscription type A is in force.

(3) If an access-seeker holds 2 or more subscriptions, for which the subscription periods began on different days:
   (a) any numbers submitted for checking are taken to have been submitted for the subscription which commenced first in time, up to the maximum number of telephone numbers able to be submitted for that subscription; and
   (b) any remaining numbers submitted for checking are taken to have been submitted for the other subscription or subscriptions, in order of commencement, up to the maximum number of telephone numbers able to be submitted for that subscription, or each of those subscriptions.

(4) If an access-seeker:
   (a) holds a current subscription type A; and
   (b) purchases an additional subscription type B, or a higher subscription, before the current subscription type A expires;

   the current subscription type A is cancelled from the time of the purchase of the additional subscription, and any unused numbers from the current subscription type A will not be included in the purchased subscription.

(5) If an access-seeker:
   (a) holds a current subscription type B or a higher subscription; and
   (b) purchases an additional subscription type B, or a higher subscription, before the current subscription expires;

   any unused numbers from the current subscription will be included in the purchased subscription.
(6) If an access-seeker:
(a) holds a current subscription type A, or a higher subscription; and
(b) that subscription expires; and
(c) then purchases a subscription type A, or a higher subscription;
any unused numbers from the expired subscription will not be included in any purchased subscription.

6 Annual subscription fee

(1) The annual subscription fee mentioned in column 3 of the table in section 4 is payable for each subscription for which the access-seeker applies.

Example 1 An access-seeker that selects subscription types C and D would be required to pay ACMA $360 for subscription type C and $3100 for subscription type D.

Example 2 An access-seeker that selects 2 type C subscriptions would be required to pay ACMA $360 for each subscription or $720 for both subscriptions.

Note 1 The annual subscription fee is exempt from GST under subsection 81-5 (2) of the A New Tax System (Goods and Services Tax) Act 1999.

Note 2 Subsection 21 (6) of the Act provides that a fee is payable to ACMA on behalf of the Commonwealth.

(1A) The fee mentioned in subsection (1) is payable by the access-seeker upon
the issue to the access-seeker of an invoice for that amount.

(2) An annual subscription period for an access-seeker commences on the day
that the access-seeker agrees to pay the annual subscription fee for a
subscription of the relevant type, and ends 12 months after that day unless
cancelled by ACMA under subsection (3).

(3) If an access-seeker who holds a subscription type A applies for another
subscription type, ACMA must cancel the subscription type A.

(4) If:
(a) an access-seeker proposes to submit a list of telephone numbers to
ACMA or to the contracted service provider in accordance with
subsection 19 (1) of the Act; and
(b) submitting the list would cause the access-seeker to exceed the
available unused numbers from its current subscription;
ACMA, or the contracted service provider, must not act under
subsection 19 (2) or (3) of the Act until the access-seeker has purchased
another subscription type (other than a subscription Type A).

8 Invoices

(1) An invoice for services provided under subsection 19 (2) or (3) of the Act
must be paid within 30 days of the date of issue of the invoice.

(2) If an invoice is not paid in accordance with subsection (1), ACMA may do
either or both of the following:
(a) suspend the access-seeker’s registration mentioned in subsection 4 (3)
of the Do Not Call Register (Access to Register) Determination 2007;
(b) commence legal proceedings to recover the debt.

*Note* Under subsection 4 (3) of the *Do Not Call Register (Access to Register) Determination 2007*, an access-seeker must be registered with ACMA to be eligible to submit a list of telephone numbers for checking against the register. Suspending the access-seeker’s registration will prevent the access-seeker from submitting a list of telephone numbers for checking against the register.

(3) ACMA may reactivate the access-seeker’s registration once the invoice is paid.

(4) If an access-seeker’s registration is suspended, the annual subscription periods for any subscriptions held by the access-seeker will still end in accordance with subsection 6 (2).

9 **Refunds**

ACMA may, on application made by the access-seeker, refund any part of the fee for a service provided under subsection 19 (2) or (3) of the Act.
Notes to the *Do Not Call Register (Access Fees) Determination 2007*

**Note 1**

The *Do Not Call Register (Access Fees) Determination 2007* (in force under subsection 21 (1) of the *Do Not Call Register Act 2006*) as shown in this compilation is amended as indicated in the Tables below.

### Table of Instruments

<table>
<thead>
<tr>
<th>Title</th>
<th>Date of FRLI registration</th>
<th>Date of commencement</th>
<th>Application, saving or transitional provisions</th>
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</thead>
<tbody>
<tr>
<td><em>Do Not Call Register (Access Fees) Amendment Determination 2008 (No. 1)</em></td>
<td>25 June 2008 (see F2008L02298)</td>
<td>1 July 2008</td>
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<tr>
<td><em>Do Not Call Register (Access Fees) Amendment Determination 2009 (No. 1)</em></td>
<td>29 June 2009 (see F2009L02619)</td>
<td>1 July 2009</td>
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Table of Amendments

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<th>Provision affected</th>
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</tr>
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<tr>
<td>Note to s. 3</td>
<td>rs. 2009 No. 1</td>
</tr>
<tr>
<td>S. 4</td>
<td>am. 2008 No. 1; 2009 No. 1</td>
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<tr>
<td>S. 5</td>
<td>am. 2008 No. 1</td>
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<td>am. 2008 No. 1; 2009 No. 1</td>
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<td>Example 1 to s. 6 (1)</td>
<td>am. 2008 No. 1; 2009 No. 1</td>
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<tr>
<td>Example 2 to s. 6 (1)</td>
<td>am. 2008 No. 1; 2009 No. 1</td>
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<td>S. 7</td>
<td>rep. 2009 No. 1</td>
</tr>
<tr>
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