Do Not Call Register (Access to Register) Determination 2007

as amended

made under subsection 20 (1) of the

Do Not Call Register Act 2006

This compilation was prepared on 30 May 2010
taking into account amendments up to Do Not Call Register (Access to Register) Amendment Determination 2010 (No. 1)

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

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1 **Name of Determination** [see Note 1]

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*.

*information to be provided to the access-seeker* means the information to be provided to the access-seeker under subsection 19(2) of the Act.

*Note* Other words and phrases applicable to this Determination are defined in section 4 of the Act, including *contracted service provider* and *Australian number*.

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 Australian 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 Australian numbers. It must not contain any other information.

2 Each Australian number included in the list must:

(a) be no more than 10 digits long; and

(b) start with a one or 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 Australian 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.
Section 4

(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 Sections 11 and 12B of the Act, and the Do Not Call Register Regulations 2006, relate to obligations relating to making telemarketing calls and sending marketing faxes to Australian 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 Australian numbers.

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

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

Insert

(1) For paragraph 20 (1) (b) of the Act, this section explains how ACMA or the contracted service provider may provide to an access-seeker, under paragraphs 19 (2) (d), 19 (2) (e) and 19 (2) (f) of the Act, the information to be provided to the access-seeker.

(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 the information to be provided to the access-seeker 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 the information to be provided to the access-seeker 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 information to be provided to the access-seeker on the website as soon as practicable after the numbers are entered.
Section 7

Do Not Call Register (Access to Register) Determination

Note: information to be provided to the access-seeker’ is defined in section 3 of this Determination.

(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

(2) If an access-seeker submits the access-seeker’s list in accordance with section 4, 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 Australian numbers.

Note: A purported number may not be treated as an Australian number for the purposes of registration:

(a) because it has more than 10 digits; or
(b) because it does not begin with a one or a zero; or
(c) because the information that relates to the purported number shows that it is not an Australian 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 Australian numbers that the access-seeker submitted;
(c) the total number of Australian numbers on the list submitted that were registered;
(d) the total number of Australian numbers on the lists submitted that were not registered;
(e) the total number of purported numbers that have not been treated as Australian 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 the access-seeker was provided with information under section 5.
Notes to the Do Not Call Register (Access to Register) Determination 2007

Note 1

The Do Not Call Register (Access to Register) Determination 2007 (in force under subsection 20 (1) of the Do Not Call Register Act 2006) as shown in this compilation is amended as indicated in the Tables below.

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