Do Not Call Register (Access to Register)
Amendment Determination 2010 (No. 1)

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 28 May 2010

Chris Chapman
[signed]
Member

Brendan Byrne
[signed]
Member/General Manager

Australian Communications and Media Authority

1 Name of Determination
This Determination is the Do Not Call Register (Access to Register) Amendment Determination 2010 (No. 1).
2 Commencement

This Determination commences on the day that Schedule 1 to the Do Not Call Register Legislation Amendment Act 2010 commences.

3 Amendment of Do Not Call Register (Access to Register) Determination 2007

Schedule 1 amends the Do Not Call Register (Access to Register) Determination 2007
Schedule 1  

**Amendments**

(Section 3)

[1] **Section 3**

*Insert*

*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.

[2] **Note to section 3**

*Omit*

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

*Insert*

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

[3] **Subsection 4(1)**

*Omit “telephone”, substitute “Australian”.*

[4] **Note to subsection 4(1)**

*Omit “telephone”, substitute “Australian”.*

[5] **Subsection 4(2)**

*Omit the subsection, substitute:*

(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.

[6] **Subsection 4(3)**

*Omit “telephone”, substitute “Australian”.*
[7] **Note 1 to subsection 4(7)**

*Omit*

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

*Insert*

*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.

[8] **Note 2 to subsection 4(7)**

*Omit* “telephone”, substitute “Australian”.

[9] **Section 5**

*Omit* the section (including the heading), substitute:

**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.

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.

[10] **Section 6**

*Omit* the section.

[11] **Subsection 7(1)**

*Omit* the subsection.

[12] **Subsection 7(2)**

Before “ACMA or the contracted service provider”, *insert* “If an access-seeker submits the access-seeker’s list in accordance with section 4,”.

[13] **Paragraph 7(2)(c)**

*Omit* “telephone”, substitute “Australian”.

[14] **Note to subsection 7(2)**

*Omit*  

*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.

Insert

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.

[15] Paragraph 7(3)(b)

Omit “telephone”, substitute “Australian”.

[16] Paragraph 7(3)(c)

Omit “telephone”, substitute “Australian”.

[17] Paragraph 7(3)(d)

Omit “telephone”, substitute “Australian”.

[18] Paragraph 7(3)(e)

Omit “telephone”, substitute “Australian”.

[19] Paragraph 7(3)(g)

Omit the paragraph, substitute:

(g) the date on which, and the time at which the access-seeker was provided with information under section 5.

Note