



Do Not Call Register (Administration and Operation) Amendment Determination 2010 (No. 1)

Do Not Call Register Act 2006

The AUSTRALIAN COMMUNICATIONS AND MEDIA AUTHORITY makes this Determination under subsection 18(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 (Administration and Operation) 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 (Administration and Operation) Determination 2007*

Schedule 1 amends the *Do Not Call Register (Administration and Operation) Determination 2007*.

Schedule 1 Amendments

(section 3)

[1] **Note to section 3**

omit and substitute

Note Several other words and phrases used in this Determination have the meanings given by section 4 of the Act. These include:

- ACMA
- Australian number
- contracted service provider
- Do Not Call Register
- emergency service number.
- fax
- government body
- nominee
- relevant account-holder

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

omit and substitute

(1) Subject to subsections (2), (2A) and (12), an application to register an Australian number on the Do Not Call Register may be made:

- (a) by telephone; or
- (b) via the internet; or
- (c) in writing; or
- (d) in any other way approved by ACMA.

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

omit “telephone”.

[4] After subsection 4 (2)

insert

(2A) An application to register an Australian number that is used or maintained exclusively for transmitting and/or receiving faxes can only be made via the internet or in writing.

[5] Subsection 4 (3)

omit “telephone” where first occurring.

[6] Paragraph 4 (3) (a)

omit second reference to “telephone”.

[7] Paragraph 4 (3) (b)

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

[8] Paragraph 4 (3) (c)

omit and substitute

(c) state that he or she is the relevant account-holder for the Australian number sought to be registered; and

[9] Paragraph 4 (3) (d)

omit and substitute

(d) state that the Australian number sought to be registered is:

- (i) used or maintained exclusively or primarily for private or domestic purposes; or
- (ii) used or maintained exclusively for use by a government body; or
- (iii) an emergency service number; and
- (iv) not used or maintained exclusively for transmitting and/or receiving faxes; and

[10] Paragraph 4 (3) (e)

omit

[11] Paragraph 4 (3) (f)

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

[12] Paragraph 4 (3) (g)

omit “telephone”, substitute “Australian”.

[13] After subsection 4 (3)

insert

Note The option to register an Australian number by way of application over the telephone is only available for account-holders wishing to register a number that is not used or maintained exclusively for transmitting and/or receiving faxes.

[14] Subsection 4 (4)

omit “telephone”.

[15] Subsection 4 (5)

omit “telephone” where first occurring.

[16] Paragraph 4 (5) (b)

omit “telephone”, substitute “Australian”.

[17] Paragraph 4 (5) (c)

omit and substitute

(c) state that he or she is the relevant account-holder for the Australian number sought to be registered; and

[18] Paragraph 4 (5) (d)

omit and substitute

(d) state that the Australian number sought to be registered is:

- (i) used or maintained exclusively or primarily for private or domestic purposes; or
- (ii) used or maintained exclusively for transmitting and/or receiving faxes; or
- (iii) used or maintained exclusively for use by a government body; or
- (iv) an emergency service number; and

[19] Paragraph 4 (5) (e)

omit

[20] Paragraph 4 (5) (f)

omit “telephone”, substitute “Australian”.

[21] Paragraph 4 (5) (g)

omit “telephone”, substitute “Australian”.

[22] Paragraph 4 (5) (h)

omit and substitute

(h) if the Australian number sought to be registered is used or maintained exclusively for transmitting and/or receiving faxes, provide a contact telephone number which may be used for:

- (i) seeking confirmation of his or her intention to register the Australian number on the Do Not Call Register; and
- (ii) general correspondence; and
- (iii) investigation of any possible abuse of the online registration process.

[23] Subsection 4 (6)

omit

[24] Subsection 4 (7)

omit “telephone” wherever occurring.

[25] Subsection 4 (8)

omit “telephone” where first occurring.

[26] Paragraph 4 (8) (a)

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

[27] Paragraph 4 (8) (b)

omit and substitute

(b) state that he or she is the relevant account-holder, or a nominee of the relevant account holder, for the Australian number sought to be registered; and

[28] Paragraph 4 (8) (c)

omit and substitute

(c) state that the Australian number sought to be registered is:

- (i) used or maintained exclusively or primarily for private or domestic purposes; or
- (ii) used or maintained exclusively for transmitting and/or receiving faxes; or
- (iii) used or maintained exclusively for use by a government body; or
- (iv) an emergency service number; and

[29] Paragraph 4 (8) (d)

omit

[30] Paragraph 4 (8) (e)

omit “telephone”, substitute “Australian”.

[31] Paragraph 4 (8) (f)

omit and substitute

(f) provide a copy of a bill, or other supporting evidence, for the account associated with the Australian number sought to be registered.

[32] Subsection 4 (9)

omit “telephone”.

[33] Subsection 4 (10)

omit “telephone” wherever occurring.

[34] Subsection 4 (11)

omit “telephone”, substitute “Australian”

[35] After subsection 4 (11)

insert

Note 1 ACMA or the contracted service provider is not required to obtain confirmation of intention to register an Australian number, before registering that Australian number on the Do Not Call Register.

Note 2 ACMA and the contracted service provider (if any) are bound by the *Privacy Act 1988*.

Note 3 No fee is payable for registration.

Note 4 Giving false or misleading information may be an offence under section 137.1 of the *Criminal Code*.

[36] Subsection 4 (12), including heading and notes

omit

[37] Subsection 5 (1)

omit “telephone” wherever occurring.

[38] Subsection 5 (2)

omit and substitute

(2) Subject to subsections (3), (3A) and (9) an application may be made:

(a) by telephone; or

(b) in writing; or

(c) in any other way approved by ACMA.

[39] Subsection 5 (3)

omit “telephone”.

[40] After subsection 5 (3)

insert

(3A) An application to correct an entry relating to a number that is used or maintained exclusively for transmitting and/or receiving faxes can only be made in writing.

[41] Subsection 5 (4)

omit “telephone” where first occurring.

[42] Paragraph 5 (4) (a)

omit the second reference to “telephone”.

[43] Paragraph 5 (4) (b)

omit and substitute

(b) state that he or she is the relevant account-holder for the Australian number sought to be registered; and

[44] Paragraph 5 (4) (c)

omit “telephone”.

[45] Paragraph 5 (4) (d)

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

[46] Paragraph 5 (4) (e)

omit and substitute

(e) state that the Australian number sought to be registered is:

- (i) used or maintained exclusively or primarily for private or domestic purposes; or
- (ii) used or maintained exclusively for use by a government body; or
- (iii) an emergency service number; and
- (iv) not used or maintained exclusively for transmitting and/or receiving faxes; and

[47] Paragraph 5 (4) (f)

omit

[48] Paragraph 5 (4) (h)

omit “telephone” wherever occurring.

[49] After subsection 5 (4)

insert

Note The option to correct an entry to the Register by way of application over the telephone is only available for account-holders wishing to correct an entry relating to a number that is not used or maintained exclusively for transmitting and/or receiving faxes.

[50] Subsection 5 (5)

omit “telephone” wherever occurring.

[51] Subsection 5 (6)

omit “telephone” where first occurring.

[52] Paragraph 5 (6) (a)

omit and substitute

(a) state that he or she is the relevant account-holder, or a nominee of the relevant account-holder, for the Australian number sought to be registered following the correction; and

[53] Paragraph 5 (6) (b)

omit “telephone”.

[54] Paragraph 5 (6) (c)

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

[55] Paragraph 5 (6) (d)

omit and substitute

(d) state that the Australian number sought to be registered is:

- (i) used or maintained exclusively or primarily for private or domestic purposes; or
- (ii) used or maintained exclusively for transmitting and/or receiving faxes;
- (iii) used or maintained exclusively for use by a government body;
or
- (iv) an emergency service number; and

[56] Paragraph 5 (6) (e)

omit

[57] Paragraph 5 (6) (g)

omit and substitute

(g) provide a copy of a bill, or other supporting evidence, for the account associated with the Australian number sought to be registered.

[58] Subsection 5 (7)

omit “telephone”.

[59] Subsection 5 (8)

omit “telephone” wherever occurring.

[60] After subsection 5 (8)

insert

Note 1 ACMA of the contracted service provider is not required to obtain confirmation of intention to correct an entry, before correcting that entry on the Do Not Call Register.

Note 2 ACMA and the contracted service provider (if any) are both bound by the *Privacy Act 1988*.

Note 3 No fee is payable for correction of the Do Not Call Register.

Note 4 Giving false or misleading information may be an offence under section 137.1 of the *Criminal Code*.

[61] Subsection 5 (9), including heading and notes

omit

[62] Paragraph 6 (2) (a)

omit “telephone” wherever occurring.

[63] Subsection 7 (1)

omit “telephone” wherever occurring.

[64] Subsection 7 (2)

omit and substitute

(3) Subject to subsections (3), (3A) and (10), an application to remove a number from the Do Not Call Register may be made:

(a) by telephone; or

(b) in writing; or

(c) in any other way approved by the ACMA.

[65] Subsection 7 (3)

omit “telephone”.

[66] After subsection 7 (3)

insert

(3A) An application to remove an entry relating to a number that is used or maintained exclusively for transmitting and/or receiving faxes can only be made in writing.

[67] Subsection 7 (4)

omit “telephone” where first occurring.

[68] Paragraph 7 (4) (a)

omit the second reference to “telephone”.

[69] Paragraph 7 (4) (b)

omit “telephone”.

[70] Paragraph 7 (4) (c)

omit “telephone” wherever occurring.

[71] Paragraph 7 (4) (d)

omit “telephone”.

[72] Paragraph 7 (4) (e)

omit “telephone” wherever occurring.

[73] After subsection 7 (4)

insert

Note The option to remove a number by way of application over the telephone is only available for account-holders wishing to remove a number that is not used or maintained exclusively for transmitting and/or receiving faxes.

[74] Subsection 7 (5)

omit “telephone” wherever occurring.

[75] Subsection 7 (6)

omit subsection, substitute

(6) In the application, the relevant account-holder or nominee must:

- (a) provide his or her name and the number to be removed from the Do Not Call Register, including the area code, if any; and

-
- (b) state that he or she is the relevant account-holder, or a nominee of a relevant account-holder, for the number sought to be removed; and
 - (c) state that he or she would like the number removed from the Do Not Call Register; and
 - (d) provide a copy of a bill, or other supporting evidence, for the account associated with the number.

[76] Subsection 7 (7)

omit “telephone”.

[77] Subsection 7 (8)

omit “telephone” wherever occurring.

[78] Heading to subsection 7 (9)

omit “telephone”.

[79] After subsection 7 (9)

insert

Note 1 ACMA or the contracted service provider is not required to obtain confirmation of intention to remove a number, before removing that number from the Do Not Call Register.

Note 2 ACMA and the contracted service provider (if any) are both bound by the *Privacy Act 1988*.

Note 3 No fee is payable for removal of a number from the Do Not Call Register.

Note 4 Giving false or misleading information may be an offence under section 137.1 of the *Criminal Code*.

[80] Subsection 7 (10), including heading and notes

omit

[81] Heading to section 8

omit “telephone”.

[82] Subsection 8 (1)

omit “telephone” wherever occurring.

[83] Subsection 8 (2)

omit “telephone”.

[84] Heading to section 9

omit “telephone”.

[85] Subsection 9 (1)

omit “telephone” wherever occurring.

[86] Subsection 9 (2)

omit and substitute

(2) Subject to subsections (3), (3A) and (14), an application to access the Do Not Call Register to check whether a number has been registered may be made:

- (a) by telephone; or
- (b) via the internet; or
- (c) in writing; or
- (d) in any other way approved by ACMA.

[87] Subsection 9 (3)

omit “telephone”.

[88] After subsection 9 (3)

insert

(3A) An application to access the Do Not Call Register to check whether a number that is used or maintained exclusively for transmitting and/or receiving faxes has been registered can only be made in writing.

[89] Subsection 9 (4)

omit first reference to “telephone”.

[90] Paragraph 9 (4) (a)

omit the second reference to “telephone”.

[91] Paragraphs 9 (4) (b), (c) and (d)

omit “telephone” wherever occurring.

[92] Subsection 9 (5)

omit “telephone”

[93] After subsection 9 (5)

insert

Note The option to access the register to check whether a number is registered over the telephone is only available for account-holders wishing to check the registration of a number that is not used or maintained exclusively for transmitting and/or receiving faxes.

[94] Subsections 9 (6), (7), (8) and (9), (10), (11) and (12)

omit “telephone” wherever occurring.

[95] Paragraph 9 (10) (d)

omit paragraph, substitute

(d) provide a copy of a bill, or other supporting evidence, for the account associated with the number.

[96] After Subsection 9 (13)

insert

Note 1 ACMA and the contracted service provider (if any) are both bound by the *Privacy Act 1988*.

Note 2 No fee is payable for accessing the Do Not Call Register to check whether a number has been registered.

Note 3 Giving false or misleading information may be an offence under section 137.1 of the *Criminal Code*.

[97] Subsection 9 (14), including heading and notes

omit

[98] Section 10

omit and substitute

ACMA or the contracted service provider must, at the time of lodgement of an application for registration under section 4, inform the applicant that registration will take effect when entered on the Do Not Call Register, and will remain in force for:

(a) three years; or

(b) if a longer period is specified in an instrument in force under subsection 17(1A) of the Act, that longer period,

unless the entry is removed from the Do Not Call Register in accordance with section 7 or 8.

[99] Section 12, including heading

omit and substitute

12 Requirement to provide a copy of a bill or other supporting evidence

For paragraphs 4 (8) (f), 5 (6) (g), 7 (6) (d) and 9 (10) (d) it is sufficient to provide an edited copy of a bill, or part of a bill, or other supporting evidence, which shows the name of the relevant account-holder and the number.

Note

1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See <http://www.frli.gov.au>.