

Explanatory Statement

Issued by the authority of the Australian Communications and Media Authority
*DO NOT CALL REGISTER (ADMINISTRATION AND OPERATION) AMENDMENT
DETERMINATION 2010 (No. 2)*
Do Not Call Register Act 2006

Background, purpose and legislative basis

This document provides an explanation of the *Do Not Call Register (Administration and Operation) Amendment Determination 2010 (No. 2)* (the Amendment Determination) made under subsection 18(1) of the *Do Not Call Register Act 2006* (the Act).

The Act requires the ACMA to keep, or to arrange for another person (the contracted service provider) to keep, the Do Not Call Register (the Register). Subsection 18(1) of the Act allows the ACMA to make a determination dealing with a number of issues related to the administration or operation of the Register.

On 27 April 2007, the ACMA made the *Do Not Call Register (Administration and Operation) Determination 2007* (the Determination). The Determination, among other things, sets out the manner in which applications for:

- registration of a number on the Register may be made;
- corrections for entries made on the Register may be made; and
- removal of entries on the Register may be made.

The Amendment Determination makes changes of a minor nature to correct drafting errors made in an earlier legislative instrument which amended the Determination, the *Do Not Call Register (Administration and Operation) Amendment Determination 2010 (No. 1)*, and to more accurately reflect the wording of the Act, as recently amended.

Consultation

The amendments made by the Amendment Determination are changes of a minor nature and do not substantially alter the existing arrangements under the Determination. Accordingly, the ACMA considers that consultation is unnecessary in the circumstances.

Regulatory impact

The amendments made by the Amendment Determination are minor and do not give rise to regulatory obligations. Therefore, a regulatory impact analysis process has not been applied.

Notes on the instrument

Section 1 – Name of Determination

Section 1 provides that the Amendment Determination is the *Do Not Call Register (Administration and Operation) Amendment Determination 2010 (No. 2)*.

Section 2 – Commencement

Section 2 sets out that the Amendment Determination commences on the day the instrument is registered on the Federal Register of Legislative Instruments.

Section 3 – Amendment of *Do Not Call Register (Administration and Operation) Determination 2007*

Section 3 provides that Schedule 1 amends the Determination.

Schedule 1 – Amendments

[1] Subparagraphs 4 (3) (d) (i), 4 (5) (d) (i), 4 (8) (c) (i), 5 (4) (e) (i) and 5 (6) (d) (i)

Item 1 removes the words ‘exclusively or’ from subparagraphs 4 (3) (d) (i), 4 (5) (d) (i), 4 (8) (c) (i), 5 (4) (e) (i) and 5 (6) (d) (i). This reflects a change made by the *Do Not Call Register Legislation Amendment Act 2010* to the eligibility requirements for Australian numbers to be included on the Register in section 14 of the Act. .

[2] Subsection 7 (3)

Item 2 corrects a numbering error. The Determination presently has two subsections each number “7(3)”. This amendment re-numbers the first of those subsections so that it becomes subsection 7(2).

[3] After Note 3 to subsection 9 (13)

Item 3 effectively re-inserts a heading incorrectly omitted from the Determination. The amendment ensures that the text following on from the heading is correctly headed and is numbered as section 10 of the Determination.