



Do Not Call Register (Administration and Operation) Amendment Determination 2012 (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 19th January 2012

Chris Chapman

[signed]

Member

Richard Bean

[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 2012 (No. 1)*.

2 Commencement

This Determination commences on 1 March 2012.

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

[1] Section 3

omit the section (but not the heading), substitute

In this Determination:

Act means the *Do Not Call Register Act 2006*;

bulk application means an application in respect of 21 or more Australian numbers submitted at the same time by the same applicant;

fax number means an Australian number which is used or maintained exclusively for transmitting and/or receiving faxes.

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] Section 4

omit the section (including the heading), substitute

4 Applications for registration and applications to check entries on the Register

- (1) A relevant account-holder, or a nominee of a relevant account-holder, may apply in accordance with the Act to register an Australian number on the Do Not Call Register, and may apply to access the Do Not Call Register to check whether a number of the relevant account-holder has been registered.
- (2) Subject to subsections (3), (4), (5), (6) and (7), an application by a relevant account-holder or a nominee of a relevant account-holder to register an Australian number on the Do Not Call Register, or an application by a relevant account-holder or a nominee of a relevant account-holder to check an entry on the Do Not Call Register, may be made using the following application methods:
 - (a) by telephone; or
 - (b) via the internet; or
 - (c) by post; or
 - (d) by fax; or

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- (e) by e-mail; or
 - (f) in any other way approved by the ACMA and specified:
 - (i) on the ACMA's website; and
 - (ii) if the Do Not Call Register is kept by the contracted service provider - on the website of the contracted service provider.
- (3) A relevant account-holder may only apply to register a fax number by telephone, or to check an entry relating to a fax number by telephone if the ACMA so approves that method in respect of such applications and that approval is specified:
- (a) on the ACMA's website; and
 - (b) if the Do Not Call Register is kept by the contracted service provider - on the website of the contracted service provider.
- (4) A bulk application by a relevant account-holder to register Australian numbers, or to check entries on the Do Not Call Register, may only be made by telephone, post, fax or e-mail if the ACMA so approves such a method in respect of such applications and that approval is specified:
- (a) on the ACMA's website; and
 - (b) if the Do Not Call Register is kept by the contracted service provider - on the website of the contracted service provider.
- (5) Unless the nominee is making a bulk application, a nominee of a relevant account-holder may only apply to register an Australian number, or to check an entry on the Do Not Call Register, by telephone or via the internet, if the ACMA so approves such a method in respect of such applications and that approval is specified:
- (a) on the ACMA's website; and
 - (b) if the Do Not Call Register is kept by the contracted service provider - on the website of the contracted service provider.
- (6) If a nominee is making a bulk application to register Australian numbers on the Do Not Call Register, or to check entries on the Do Not Call Register, the nominee may only do so by telephone, post, fax or e-mail if the ACMA so approves such a method in respect of such applications and that approval is specified:
- (a) on the ACMA's website; and
 - (b) if the Do Not Call Register is kept by the contracted service provider - on the website of the contracted service provider.
- (7) An application by a relevant account-holder, or nominee of a relevant account-holder, to register an Australian number on the Do Not Call Register, or to check an entry on the Do Not Call Register, using any of the application methods set out in this section, must be made in accordance with any written procedure approved by the ACMA and include any information reasonably required by the ACMA as specified on:

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- (a) the ACMA's website; and
 - (b) if the Do Not Call Register is kept by the contracted service provider - the website of the contracted service provider.
- (8) Following an application to register an Australian number made in accordance with this Determination, the ACMA or the contracted service provider must enter the Australian number(s) sought to be registered, including the area code, if any, on the Do Not Call Register.

Note 1 The 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 The ACMA and the contracted service provider (if any) are both 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*.

- (9) Following an application made in accordance with this Determination to check an entry on the Do Not Call Register, the ACMA or the contracted service provider must advise the applicant, as soon as practicable, whether the number(s) sought to be checked is registered on the Do Not Call Register.

Note 1 The 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*.

[3] Section 5

omit the section (including the heading), substitute

5 Applications for correction of entries made on the Do Not Call Register

- (1) A relevant account-holder, or nominee of a relevant account-holder, may apply to correct an entry relating to a number of the relevant account-holder on the Do Not Call Register.
- (2) Subject to subsections (3), (4) and (5), an application by a relevant account-holder, or nominee of a relevant account-holder, to correct an entry on the Do Not Call Register may be made using the following application methods:
 - (a) by telephone; or
 - (b) via the internet; or
 - (c) by post; or
 - (d) by fax; or
 - (e) by e-mail; or

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- (f) in any other way approved by the ACMA and specified:
- (i) on the ACMA's website; and
 - (ii) if the Do Not Call Register is kept by the contracted service provider - on the website of the contracted service provider.
- (3) Unless the application is a bulk application, a relevant account-holder, or nominee of a relevant account-holder, may only apply to correct an entry by telephone or via the internet if the ACMA so approves such a method in respect of such applications and that approval is:
- (a) specified on the ACMA's website; and
 - (b) if the Do Not Call Register is kept by the contracted service provider - specified on the website of the contracted service provider.
- (4) If the application is a bulk application, a relevant account-holder, or nominee of a relevant account-holder, may only apply to correct entries by telephone, post, fax or e-mail if the ACMA so approves such a method in respect of such applications and that approval is:
- (a) specified on the ACMA's website; and
 - (b) if the Do Not Call Register is kept by the contracted service provider - specified on the website of the contracted service provider.
- (5) An application by a relevant-account holder, or nominee of a relevant account-holder, to correct an entry on the Do Not Call Register, using any of the application methods set out in this section, must be made in accordance with any written procedure approved by the ACMA and include any information reasonably required by the ACMA as specified on:
- (a) the ACMA's website; and
 - (b) if the Do Not Call Register is kept by the contracted service provider - the website of the contracted service provider.

Note 1 The ACMA or 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 The 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*.

[4] Section 7

omit the section (including the heading), substitute

7 Removal of entries from the Do Not Call Register

- (1) A relevant account-holder, or nominee of a relevant account-holder, may apply to remove an entry for a number of the relevant account holder from the Do Not Call Register.
- (2) Subject to subsections (3), (4), (5), (6) and (7) an application by a relevant account-holder, or nominee of a relevant account-holder, to remove an entry on the Do Not Call Register may be made using the following application methods:
 - (a) by telephone; or
 - (b) via the internet; or
 - (c) by post; or
 - (d) by fax; or
 - (e) by e-mail; or
 - (f) in any other way approved by the ACMA and:
 - (i) specified on the ACMA's website; and
 - (ii) if the Do Not Call Register is kept by the contracted service provider - specified on the website of the contracted service provider.
- (3) Where an application is not a bulk application, and does not relate to a fax number, a relevant account-holder may only apply to remove an entry via the internet if the ACMA so approves such a method in respect of such applications and that approval is:
 - (a) specified on the ACMA's website; and
 - (b) if the Do Not Call Register is kept by the contracted service provider - specified on the website of the contracted service provider.
- (4) Where an application is not a bulk application, and relates to a fax number, a relevant account-holder may only apply to remove an entry by telephone or via the internet if the ACMA so approves such a method in respect of such applications and that approval is:
 - (a) specified on the ACMA's website; and
 - (b) if the Do Not Call Register is kept by the contracted service provider - specified on the website of the contracted service provider.
- (5) Where an application is not a bulk application, a nominee of a relevant account-holder may only apply to remove an entry by telephone or via the internet if the ACMA so approves such a method in respect of such applications and that approval is:
 - (a) specified on the ACMA's website; and

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- (b) if the Do Not Call Register is kept by the contracted service provider - specified on the website of the contracted service provider.
- (6) If a relevant account-holder or nominee of a relevant account-holder is making a bulk application to remove Australian numbers from the Do Not Call Register, the relevant account-holder or nominee may only do so by telephone, post, fax or e-mail if the ACMA so approves such a method in respect of such applications and that approval is specified:
 - (a) on the ACMA's website; and
 - (b) if the Do Not Call Register is kept by the contracted service provider - on the website of the contracted service provider.
 - (7) An application by a relevant-account holder to remove an Australian number from the Do Not Call Register, using any of the application methods set out in this section, must be made in accordance with any written procedure approved by the ACMA and include any information reasonably required by the ACMA as specified on:
 - (a) the ACMA's website; and
 - (b) if the Do Not Call Register is kept by the contracted service provider - the website of the contracted service provider.
 - (8) Following an application made in accordance with this section, the ACMA or the contracted service provider must remove the entry from the Do Not Call Register.

Note 1 The 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 The 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*.

[5] Section 9

omit the section (including the heading)

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>.