

Do Not Call Register— What numbers are eligible for registration?

The Do Not Call Register (the register) provides people with an opportunity to 'opt out' of receiving unsolicited telemarketing calls and marketing faxes.

A number can be listed on the register by an account holder or their nominee if it is:

- > used or maintained exclusively or primarily for private or domestic purposes; or
- > used or maintained exclusively for transmitting and/or receiving faxes; or
- > used or maintained exclusively for use by a government body; or
- > an emergency service number.

Numbers used primarily for private or domestic purposes

A number is likely to be used for private or domestic purposes where the account is:

- > mainly used to receive personal call (e.g. from friends and family)
- > in an individual's name
- > for landlines, is located at a residential address
- > for mobile telephones, is not on a business plan.

Some factors that may indicate that your number is not eligible includes where:

- > the number is mainly used for business calls
- > the telephone account is registered in a business name
- > the telephone account is on a 'business' plan
- > the number is displayed on a company's website, business card, or business directory.

No one factor listed above is indicative of a numbers ineligibility to be on the register. **A number may still be considered to be used primarily for private or domestic purposes, even if it is sometimes used for business calls.**

If your business makes calls to small businesses, you should be aware that some of these numbers may legitimately be on the register.

Numbers used exclusively for transmitting and/or receiving faxes

A fax number can be registered so long as it is only used for sending or receiving fax messages.

Dual phone/fax numbers

A dual phone/fax number can be registered if its primary purpose is for private or domestic purposes.

Numbers used exclusively for use by a government body

A government body is generally an entity that operates to benefit the community or a section or geographical division of the community, and has authority from the government to do so. A government body can mean a department, agency, authority or instrumentality of a Commonwealth, state or territory government, as well as of the government of a foreign country (for example, a foreign embassy located in Australia).

It will usually be as easy to determine whether a number is used or maintained by government body. Where it is not clear, factors considered in determining eligibility include whether it:

- > was established by legislation
- > is published/listed in an Administrative Arrangements Order
- > serves some sort of public purpose
- > is subject to the *Financial Management and Accountability Act 1997* or the *Commonwealth Authorities and Companies Act 1997*, or equivalent state or territory legislation.

Some examples of eligible government bodies include:

- > local councils
- > the Department of Broadband, Communications and the Digital Economy
- > the Australian Communications and Media Authority (the ACMA)
- > the Civil Aviation Safety Authority
- > Australia Post

CANBERRA
Purple Building
Benjamin Offices
Chan Street
Belconnen ACT
PO Box 78
Belconnen ACT 2616
T: 02 6219 5555
F: 02 6219 5353

MELBOURNE
Level 44, Melbourne
Central Tower
360 Elizabeth Street
Melbourne VIC
PO Box 13112 Law
Courts
Melbourne VIC 8010
T: 03 9963 6800
F: 03 9963 6899

SYDNEY
Level 15, Tower 1
Darling Park
201 Sussex Street
Sydney NSW
PO Box Q500
Queen Victoria
Building NSW 1230
T: 02 9334 7700
F: 02 9334 7799

- > Residential Tenancies Authority (Queensland)
- > Safe Food Production Queensland
- > ACT Revenue Authority.

If you are uncertain as to whether or not your organisation falls within the definition of 'government body' you should seek advice before registering your numbers.

Emergency service numbers

At present, the only emergency service numbers eligible for registration are '000', '112' and '106'.

Organisations that perform emergency service functions may be eligible to register their numbers as a 'government body'

Who can apply to list a number on the register

An application to list a number on the register can be made by the account holder or nominee. The legislation requires that applications by nominees must be made in writing and include:

- > written evidence of the authority to act on behalf of the account holder (for example, a copy of power of attorney documents or a signed statement of authorisation from the account holder)
- > a copy of the telephone account for the numbers intended to be registered.

All applications for registration of a number used by a government body will usually be by a nominee.

How to list a number on the register

The way in which you can apply to list a number is dependent on its type. The table below outlines how the different numbers can be registered.

	Online at www.donotcall.gov.au	Calling 1300 792 958	Post	Fax
Numbers primarily for private or domestic purposes	✓	✓	✓	✓
Fax numbers	✓	✗	✓	✓
Government body numbers	✗	✗	✓	✓
Emergency service numbers	✗	✗	✓	✓

Further information

Further information about the register, the regulations and the industry standards can be found at www.donotcall.gov.au.

Please note: this document is intended as a guide only and should not be relied on as legal advice or regarded as a substitute for legal advice in individual cases.

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To support the written application, a nominee should include:

- > copies of any documents (for example contracts or correspondence) from its service provider that sets out the number ranges issued to that government body
- > a statutory declaration setting out:
 - > that the signatory has authority to act on behalf of the government body
 - > the telephone and/or fax numbers it has been issued with and
 - > that they wish for these numbers to be listed on the register.

A written application form can be downloaded from the register's website at www.donotcall.gov.au or by calling 1300 792 958.

Ineligible numbers

Under the legislation, the ACMA is required to remove any number it finds to be ineligible for ineligible. Where the ACMA obtains information to suggest that a number is potentially ineligible, it will write to the account holder or nominee. At this time, the account holder or nominee is invited to make submissions as to why they believe the number to be eligible.

A delegate of the ACMA then considers the information submitted and eligibility criteria listed in this document. The account holder will be notified of the outcome of the assessment in writing. If a number is deemed to be ineligible, the ACMA will have it removed from the register.