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The Parliament of the
Commonwealth of Australia

HOUSE OF REPRESENTATIVES

Presented and read a first time

Do Not Call Register (Consequential Amendments) Bill 2006

No. , 2006

(Communications, Information Technology and the Arts)

**A Bill for an Act to deal with consequential matters
relating to the enactment of the *Do Not Call
Register Act 2006*, and for other purposes**

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1 **A Bill for an Act to deal with consequential matters**
2 **relating to the enactment of the *Do Not Call***
3 ***Register Act 2006*, and for other purposes**

4 The Parliament of Australia enacts:

5 **1 Short title**

6 This Act may be cited as the *Do Not Call Register (Consequential*
7 *Amendments) Act 2006*.

8 **2 Commencement**

9 (1) Each provision of this Act specified in column 1 of the table
10 commences, or is taken to have commenced, in accordance with
11 column 2 of the table. Any other statement in column 2 has effect
12 according to its terms.
13

1
2 **Schedule 1—Amendments**

3 **Part 1—Amendments commencing on Royal Assent**

4 ***Telecommunications Act 1997***

5 **1 At the end of subsection 3(2)**

6 Add:
7 ; (k) to promote responsible practices in relation to the making of
8 telemarketing calls.

9 **2 Section 5**

10 Omit “or the e-marketing industry” (wherever occurring), substitute “,
11 the e-marketing industry or the telemarketing industry”.

12 **3 Section 7**

13 Insert:
14 *Australian number* has the same meaning as in the *Do Not Call*
15 *Register Act 2006*.

16 **4 Section 7**

17 Insert:
18 *standard questionnaire-based research* means research that
19 involves people being asked to answer one or more standard
20 questions, but does not include:
21 (a) opinion polling; or
22 (b) research of a kind specified in the regulations.

23 **5 Section 7**

24 Insert:
25 *telemarketing call* means:
26 (a) a telemarketing call (within the meaning of the *Do Not Call*
27 *Register Act 2006*) that is made to an Australian number; or
28 (b) a voice call (within the meaning of the *Do Not Call Register*
29 *Act 2006*) that is made to an Australian number, where,
30 having regard to:

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- 1 (i) the content of the call; and
2 (ii) the presentational aspects of the call;
3 it would be concluded that the purpose, or one of the
4 purposes, of the call is:
5 (iii) to conduct opinion polling; or
6 (iv) to carry out standard questionnaire-based research.

7 **6 Section 7**

8 Insert:

9 *telemarketing industry* means an industry that involves carrying on
10 a telemarketing activity (as defined by section 109B).

11 **7 Section 106**

12 Omit “or the e-marketing industry” (wherever occurring), substitute “,
13 the e-marketing industry or the telemarketing industry”.

14 **8 After section 109A**

15 Insert:

16 **109B Telemarketing activity**

- 17 (1) For the purposes of this Part, a *telemarketing activity* is an activity
18 to which subsection (2), (3) or (4) applies.
- 19 (2) This subsection applies to an activity that:
- 20 (a) is carried on by a person (the *first person*) under a contract or
21 arrangement (other than a contract of employment); and
22 (b) consists of:
- 23 (i) using telemarketing calls to market, advertise or
24 promote goods or services, where the first person is not
25 the supplier or prospective supplier of the goods or
26 services; or
27 (ii) using telemarketing calls to advertise or promote a
28 supplier or prospective supplier of goods or services,
29 where the first person is not the supplier or prospective
30 supplier of the goods or services; or
31 (iii) using telemarketing calls to market, advertise or
32 promote land or interests in land, where the first person

- 1 is not the supplier or prospective supplier of the land or
2 interests in land; or
- 3 (iv) using telemarketing calls to advertise or promote a
4 supplier or prospective supplier of land or interests in
5 land, where the first person is not the supplier or
6 prospective supplier of the land or interests in land; or
- 7 (v) using telemarketing calls to market, advertise or
8 promote business opportunities or investment
9 opportunities, where the first person is not the provider
10 or prospective provider of the business opportunities or
11 investment opportunities; or
- 12 (vi) using telemarketing calls to advertise or promote a
13 provider, or prospective provider, of business
14 opportunities or investment opportunities, where the
15 first person is not the provider or prospective provider
16 of the business opportunities or investment
17 opportunities.
- 18 (3) This subsection applies to an activity carried on by a person if the
19 activity consists of:
- 20 (a) using telemarketing calls to market, advertise or promote
21 goods or services, where the person is the supplier or
22 prospective supplier of the goods or services; or
- 23 (b) using telemarketing calls to advertise or promote a supplier
24 or prospective supplier of goods or services, where the
25 person is the supplier or prospective supplier of the goods or
26 services; or
- 27 (c) using telemarketing calls to market, advertise or promote
28 land or interests in land, where the person is the supplier or
29 prospective supplier of the land or interests in land; or
- 30 (d) using telemarketing calls to advertise or promote a supplier
31 or prospective supplier of land or interests in land, where the
32 person is the supplier or prospective supplier of the land or
33 interests in land; or
- 34 (e) using telemarketing calls to market, advertise or promote
35 business opportunities or investment opportunities, where the
36 person is the provider or prospective provider of the business
37 opportunities or investment opportunities; or
- 38 (f) using telemarketing calls to advertise or promote a provider,
39 or prospective provider, of business opportunities or
40 investment opportunities, where the person is the provider or
-

1 prospective provider of the business opportunities or
2 investment opportunities.

3 (4) This subsection applies to an activity carried on by a person if the
4 activity consists of:

- 5 (a) using telemarketing calls to solicit donations; or
6 (b) using telemarketing calls to conduct opinion polling; or
7 (c) using telemarketing calls to carry out standard
8 questionnaire-based research.

9 (5) An expression (other than *telemarketing call*) used in this section
10 and in section 5 of the *Do Not Call Register Act 2006* has the same
11 meaning in this section as it has in that section.

12 **9 After section 110A**

13 Insert:

14 **110B Sections of the telemarketing industry**

15 (1) For the purposes of this Part, *sections of the telemarketing*
16 *industry* are to be ascertained in accordance with this section.

17 (2) If no determination is in force under subsection (3), all of the
18 persons carrying on, or proposing to carry on, telemarketing
19 activities constitute a single section of the telemarketing industry
20 for the purposes of this Part.

21 (3) The ACMA may, by legislative instrument, determine that persons
22 carrying on, or proposing to carry on, one or more specified kinds
23 of telemarketing activity constitute a section of the telemarketing
24 industry for the purposes of this Part.

25 (4) The section must be identified in the determination by a unique
26 name and/or number.

27 (5) A determination under subsection (3) has effect accordingly.

28 (6) Sections of the telemarketing industry determined under
29 subsection (3):

- 30 (a) need not be mutually exclusive; and
31 (b) may consist of the aggregate of any 2 or more sections of the
32 telemarketing industry mentioned in subsection (2) or
33 determined under subsection (3); and
-

1 (c) may be subsets of a section of the telemarketing industry
2 mentioned in subsection (2) or determined under
3 subsection (3).

4 (7) Subsection (6) does not, by implication, limit subsection (3).

5 **10 After section 111A**

6 Insert:

7 **111AA Participants in a section of the telemarketing industry**

8 For the purposes of this Part, if a person is a member of a group
9 that constitutes a section of the telemarketing industry, the person
10 is a *participant* in that section of the telemarketing industry.

11 **11 After subsection 112(1A)**

12 Insert:

13 (1B) The Parliament intends that bodies or associations that the ACMA
14 is satisfied represent sections of the telemarketing industry should
15 develop codes (*industry codes*) that are to apply to participants in
16 the respective sections of the industry in relation to the
17 telemarketing activities of the participants.

18 **12 Subsection 112(2)**

19 Omit “and 125”, substitute “, 125 and 125A”.

20 **13 Subsection 112(2)**

21 Omit “or the e-marketing industry”, substitute “, the e-marketing
22 industry or the telemarketing industry”.

23 **14 After subsection 112(3B)**

24 Insert:

25 (3C) In determining whether public interest considerations are being
26 addressed in a way that does not impose undue financial and
27 administrative burdens on participants in sections of the
28 telemarketing industry, the ACMA must have regard to:
29 (a) the number of persons who would be likely to benefit from
30 the code or standard concerned; and

- 1 (b) the extent to which those persons are householders or small
2 business operators; and
3 (c) the legitimate business interests of participants in sections of
4 the telemarketing industry.

5 **15 Subsection 112(4)**

6 Omit “and (3B)”, substitute “, (3B) and (3C)”.

7 **16 Subsection 113(2)**

8 Omit “or the e-marketing industry”, substitute “, the e-marketing
9 industry or the telemarketing industry”.

10 **17 At the end of subsection 113(3)**

11 Add:

- 12 ; (w) record-keeping practices to be followed in relation to
13 telemarketing calls made or attempted to be made;
14 (x) action to be taken to limit the total number of telemarketing
15 calls attempted to be made, by a particular participant in a
16 section of the telemarketing industry, during a particular
17 period, where the recipient answers the attempted call, but
18 the attempted call does not have any content;
19 (y) action to be taken to limit the total number of telemarketing
20 calls made, or attempted to be made, by a particular
21 participant in a section of the telemarketing industry, during a
22 particular period to a particular telephone number.

23 **18 Paragraph 117(1)(a)**

24 Omit “or the e-marketing industry”, substitute “, the e-marketing
25 industry or the telemarketing industry”.

26 **19 Paragraph 117(1)(b)**

27 Omit “or e-marketing activities”, substitute “, e-marketing activities or
28 telemarketing activities”.

29 **20 Paragraph 117(1)(h)**

30 Before “the ACMA”, insert “except in a case where the code applies to
31 participants in a section of the telemarketing industry and deals with
32 one or more matters relating to the telemarketing activities of those
33 participants—”.

21 Subparagraph 117(1)(k)(iii)

Omit “or the e-marketing industry”, substitute “, the e-marketing industry or the telemarketing industry”.

22 Subsection 118(1)

Omit “or the e-marketing industry”, substitute “, the e-marketing industry or the telemarketing industry”.

23 Paragraph 118(1)(a)

Omit “or e-marketing activities”, substitute “, e-marketing activities or telemarketing activities”.

24 Subsection 118(3)

Omit “or the e-marketing industry”, substitute “, the e-marketing industry or the telemarketing industry”.

25 Paragraph 118(4A)(c)

Omit “or the e-marketing industry”, substitute “, the e-marketing industry or the telemarketing industry”.

26 Subsection 119(1)

Omit “or the e-marketing industry”, substitute “, the e-marketing industry or the telemarketing industry”.

Note: The heading to section 119 is altered by omitting “**or the e-marketing industry**” and substituting “, **the e-marketing industry or the telemarketing industry**”.

27 Paragraph 119(1)(b)

Omit “or e-marketing activities”, substitute “, e-marketing activities or telemarketing activities”.

28 Subparagraph 123(1)(a)(i)

Omit “or the e-marketing industry”, substitute “, the e-marketing industry or the telemarketing industry”.

29 Subparagraph 123(1)(a)(ii)

Omit “e-marketing activities”, substitute “, e-marketing activities or telemarketing activities”.

30 Paragraph 124(1)(a)

1 Omit “or the e-marketing industry”, substitute “, the e-marketing
2 industry or the telemarketing industry”.

3 **31 Subparagraph 124(1)(c)(ii)**

4 Omit “or e-marketing activities”, substitute “, e-marketing activities or
5 telemarketing activities”.

6 **32 Subparagraph 125(1)(a)(i)**

7 Omit “or the e-marketing industry”, substitute “, the e-marketing
8 industry or the telemarketing industry”.

9 **33 Subparagraph 125(1)(a)(ii)**

10 Omit “or e-marketing activities”, substitute “, e-marketing activities or
11 telemarketing activities”.

12 **34 Subsection 125(7)**

13 Omit “or the e-marketing industry”, substitute “, the e-marketing
14 industry or the telemarketing industry”.

15 **35 Subsection 125(7)**

16 Omit “or e-marketing activities”, substitute “, e-marketing activities or
17 telemarketing activities”.

18 **36 After section 125**

19 Insert:

20 **125A ACMA must determine certain industry standards relating to**
21 **the telemarketing industry**

- 22 (1) Before the commencement of Part 2 of the *Do Not Call Register*
23 *Act 2006*, the ACMA must, by legislative instrument, determine a
24 standard that:
- 25 (a) applies to participants in each section of the telemarketing
26 industry; and
 - 27 (b) deals with the following matters relating to the telemarketing
28 activities of those participants:
 - 29 (i) restricting the hours and/or days during which
30 telemarketing calls may be made or attempted to be
31 made;

- 1 (ii) requiring that a telemarketing call must contain
2 specified information about the relevant participant;
3 (iii) requiring that, if a person other than the relevant
4 participant caused a telemarketing call to be made, the
5 call must contain specified information about the person
6 who caused the call to be made;
7 (iv) requiring the relevant participant to terminate a
8 telemarketing call if a specified event happens;
9 (v) requiring the relevant participant to ensure that calling
10 line identification is enabled in respect of the making of
11 a telemarketing call; and
12 (c) is expressed to commence at the same time as the
13 commencement of Part 2 of the *Do Not Call Register Act*
14 *2006*.
- 15 (2) A standard under subsection (1) is to be known as an *industry*
16 *standard*.
- 17 (3) If the ACMA is satisfied that a body or association represents a
18 section of the telemarketing industry, the ACMA must consult the
19 body or association before determining a standard under
20 subsection (1).
- 21 (4) The ACMA must ensure that a standard is in force under
22 subsection (1) at all times after the commencement of Part 2 of the
23 *Do Not Call Register Act 2006*.

24 **37 Subsection 130(1)**

25 Omit “or the e-marketing industry”, substitute “, the e-marketing
26 industry or the telemarketing industry”.

27 **38 Paragraphs 130(1)(a) and (b)**

28 Omit “or e-marketing activities”, substitute “, e-marketing activities or
29 telemarketing activities”.

30 **39 Subsection 133(1)**

31 Omit “and the Telecommunications Industry Ombudsman”.

32 **40 After subsection 133(1)**

33 Insert:

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- 1 (1A) Before determining or varying an industry standard (other than an
2 industry standard under section 125A), the ACMA must consult
3 the Telecommunications Industry Ombudsman.

4 **41 At the end of Division 5 of Part 6**

5 Add:

6 **135A Consultation with the States and Territories**

- 7 Before determining or varying an industry standard under
8 section 125A, the ACMA must consult:
9 (a) each State; and
10 (b) the Australian Capital Territory; and
11 (c) the Northern Territory.

**Part 2—Amendments commencing at the same time
as Part 2 of the Do Not Call Register Act
2006 commences**

Australian Communications and Media Authority Act 2005

42 After subparagraph 8(1)(j)(i)

Insert:

(ia) the *Do Not Call Register Act 2006*; or

Telecommunications Act 1997

43 Section 7 (after paragraph (h) of the definition of *civil penalty provision*)

Insert:

(i) subsection 139(1); or

(j) subsection 139(2); or

44 Section 7 (after paragraph (c) of the definition of *ACMA's telecommunications powers*)

Insert:

(ca) the *Do Not Call Register Act 2006*; or

45 Paragraph 121(1)(a)

Omit “or the e-marketing industry”, substitute “, the e-marketing industry or the telemarketing industry”.

46 Subsection 122(1)

Omit “or the e-marketing industry”, substitute “, the e-marketing industry or the telemarketing industry”.

47 Subsection 128(1)

Omit “or the e-marketing industry”, substitute “, the e-marketing industry or the telemarketing industry”.

48 Subsection 129(1)

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Part 2 Amendments commencing at the same time as Part 2 of the Do Not Call Register Act 2006 commences

Omit “or the e-marketing industry”, substitute “, the e-marketing industry or the telemarketing industry”.

49 At the end of Division 7 of Part 6

Add:

139 Agreements for the carrying on of telemarketing activities must require compliance with this Part

- (1) A person (the *first person*) must not enter into a contract or arrangement, or arrive at an understanding, with another person, if:
- (a) under the contract, arrangement or understanding, the other person undertakes to carry on one or more telemarketing activities; and
 - (b) the contract, arrangement or understanding does not contain an express provision to the effect that the other person will comply with this Part in relation to the telemarketing activities covered by the contract, arrangement or understanding.

Ancillary contraventions

- (2) A person must not:
- (a) aid, abet, counsel or procure a contravention of subsection (1); or
 - (b) induce, whether by threats or promises or otherwise, a contravention of subsection (1); or
 - (c) be in any way, directly or indirectly, knowingly concerned in, or party to, a contravention of subsection (1); or
 - (d) conspire with others to effect a contravention of subsection (1).

Civil penalty provisions

- (3) Subsections (1) and (2) are *civil penalty provisions*.

Note: Part 31 provides for pecuniary penalties for breaches of civil penalty provisions.

Validity of contracts, arrangements or understandings

- (4) A failure to comply with subsection (1) does not affect the validity of any contract, arrangement or understanding.
-

50 Subsection 492(5) (at the end of the definition of *this Act*)

Add:

; and (c) the *Do Not Call Register Act 2006* and regulations under that Act.

51 Subsection 502(5) (at the end of the definition of *this Act*)

Add:

; and (c) the *Do Not Call Register Act 2006* and regulations under that Act.

52 After paragraph 508(ab)

Insert:

(ac) a contravention of the *Do Not Call Register Act 2006* or regulations under that Act;

53 At the end of section 509

Add:

(5) If it appears to the ACMA that:

(a) a person (the *first person*) wishes to make a complaint about:

(i) a contravention of a code registered under Part 6, where the code applies to participants in a section of the telemarketing industry (within the meaning of Part 6) and deals with one or more matters relating to the telemarketing activities (within the meaning of Part 6) of those participants; or

(ii) a contravention of section 128 in relation to an industry standard, where the standard applies to participants in a section of the telemarketing industry (within the meaning of Part 6) and deals with one or more matters relating to the telemarketing activities (within the meaning of Part 6) of those participants; or

(iii) a contravention of the *Do Not Call Register Act 2006* or regulations under that Act; and

(b) the complaint relates to a voice call (within the meaning of the *Do Not Call Register Act 2006*) made, or attempted to be made, to an Australian number; and

(c) the first person does not have sufficient information to identify:

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-
- 1 (i) the person who made, or attempted to make, the call; or
2 (ii) the person who caused the call to be made or attempted;
3 and
4 (d) the first person gives the ACMA such information about the
5 call as the ACMA requires;
6 it is the duty of the ACMA to take reasonable steps to assist the
7 first person to identify whichever of the following is applicable:
8 (e) the person who made, or attempted to make, the call;
9 (f) the person who caused the call to be made or attempted.
10 (6) Subsection (5) does not limit subsection (4).

54 After paragraph 510(1)(ab)

11
12 Insert:

- 13 (ac) in the case of a matter covered by paragraph 508(ac)—the
14 ACMA has reason to suspect that a person may have
15 contravened the *Do Not Call Register Act 2006* or regulations
16 under that Act; or

55 Paragraph 512(1A)(a)

17
18 Repeal the paragraph, substitute:

- 19 (a) the matter relates to a possible breach of:
20 (i) the *Spam Act 2003* or regulations under that Act; or
21 (ii) the *Do Not Call Register Act 2006* or regulations under
22 that Act; and

56 Paragraph 512(6)(a)

23
24 Repeal the paragraph, substitute:

- 25 (a) the matter relates to a possible breach of:
26 (i) the *Spam Act 2003* or regulations under that Act; or
27 (ii) the *Do Not Call Register Act 2006* or regulations under
28 that Act; and

57 Paragraph 513(2)(a)

29
30 Repeal the paragraph, substitute:

- 31 (a) the matter relates to a possible breach of:
32 (i) the *Spam Act 2003* or regulations under that Act; or
33 (ii) the *Do Not Call Register Act 2006* or regulations under
34 that Act; and
-

58 After section 515

Insert:

515A Reference of matters to Privacy Commissioner

- (1) This section applies to a complaint about any of the following matters:
- (a) a contravention of a code registered under Part 6, where the code applies to participants in a section of the telemarketing industry (within the meaning of Part 6) and deals with one or more matters relating to the telemarketing activities (within the meaning of Part 6) of those participants;
 - (b) a contravention of section 128 in relation to an industry standard, where the standard applies to participants in a section of the telemarketing industry (within the meaning of Part 6) and deals with one or more matters relating to the telemarketing activities (within the meaning of Part 6) of those participants;
 - (c) a contravention of the *Do Not Call Register Act 2006* or regulations under that Act.
- (2) If, before the ACMA starts, or after it has started, an investigation of a matter to which a complaint relates, the ACMA forms the opinion that:
- (a) a complaint relating to that matter has been, or could have been, made by the complainant to the Privacy Commissioner under section 36 of the *Privacy Act 1988*; and
 - (b) the matter could be more conveniently or effectively dealt with by the Privacy Commissioner;
- the ACMA may decide not to investigate the matter, or not to investigate the matter further, as the case may be.
- (3) If the ACMA decides as mentioned in subsection (2), it must:
- (a) transfer the complaint to the Privacy Commissioner; and
 - (b) give written notice to the complainant stating that the complaint has been so transferred; and
 - (c) give the Privacy Commissioner any information or documents that relate to the complaint and that are in the ACMA's possession or under its control.

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Part 2 Amendments commencing at the same time as Part 2 of the Do Not Call Register Act 2006 commences

-
- (4) A complaint transferred under subsection (3) to the Privacy Commissioner is taken to be a complaint made to the Privacy Commissioner under section 36 of the *Privacy Act 1988*.

59 Paragraph 518(3)(a)

Repeal the paragraph, substitute:

- (a) the matter relates to a possible breach of:
- (i) the *Spam Act 2003* or regulations under that Act; or
 - (ii) the *Do Not Call Register Act 2006* or regulations under that Act; and

60 After subsection 570(4)

Insert:

- (4A) Subsections (3) and (4) do not apply to a contravention of subsection 139(1) or (2).
- (4B) Section 25 of the *Do Not Call Register Act 2006* applies to a contravention of subsection 139(1) or (2) of this Act in a corresponding way to the way in which it applies to a contravention of subsection 12(1) or (2) of the *Do Not Call Register Act 2006*, subject to the following modifications:
- (a) each reference in section 25 of the *Do Not Call Register Act 2006* to subsection 24(1) of that Act includes a reference to subsection (1) of this section;
 - (b) each reference in section 25 of the *Do Not Call Register Act 2006* to a civil penalty provision includes a reference to subsection 139(1) or (2) of this Act;
 - (c) each reference in section 25 of the *Do Not Call Register Act 2006* to a civil penalty order includes a reference to an order under subsection (1) of this section.

61 Subsection 572B(6) (definition of *this Act*)

Repeal the definition, substitute:

this Act includes:

- (a) the *Telecommunications (Consumer Protection and Service Standards) Act 1999*; and
- (b) the *Do Not Call Register Act 2006*.

62 Section 574A (at the end of the definition of *this Act*)

1 Add:

2 ; and (c) the *Do Not Call Register Act 2006* and regulations under that
3 Act.

4 **63 Section 582**

5 After “regulations under the *Spam Act 2003*,” (wherever occurring),
6 insert “the *Do Not Call Register Act 2006*, regulations under the *Do Not*
7 *Call Register Act 2006*,”.

8 **64 Section 582**

9 After “Instruments under this Act, the *Spam Act 2003*”, insert “, the *Do*
10 *Not Call Register Act 2006*”.

11 **65 Subsection 585(2) (definition of *civil penalty provision*)**

12 Repeal the definition, substitute:

13 *civil penalty provision* includes:

- 14 (a) a civil penalty provision within the meaning of the *Spam Act*
15 2003; and
16 (b) a civil penalty provision within the meaning of the *Do Not*
17 *Call Register Act 2006*.

18 **66 Subsection 585(2) (at the end of the definition of *this Act*)**

19 Add:

20 ; and (c) the *Do Not Call Register Act 2006* and regulations under that
21 Act.

22 **67 Subsection 586(2) (at the end of the definition of *this Act*)**

23 Add:

24 ; and (c) the *Do Not Call Register Act 2006* and regulations under that
25 Act.

26 **68 Subsection 587(4) (at the end of the definition of *this Act*)**

27 Add:

28 ; and (c) the *Do Not Call Register Act 2006* and regulations under that
29 Act.

30 **69 Subsection 589(6) (at the end of the definition of *this Act*)**

31 Add:

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1 ; and (d) the *Do Not Call Register Act 2006*.

2 **70 Subsection 591(3) (at the end of the definition of *this Act*)**

3 Add:

4 ; and (c) the *Do Not Call Register Act 2006* and regulations under that
5 Act.

6 **71 Subsection 592(2) (at the end of the definition of *this Act*)**

7 Add:

8 ; and (c) the *Do Not Call Register Act 2006* and regulations under that
9 Act.

10 ***Telecommunications (Carrier Licence Charges) Act 1997***

11 **72 Subsection 15(4) (definition of ACMA's**
12 ***telecommunications functions*)**

13 Omit "*Telecommunications Act 1997*.", substitute:

14 *Telecommunications Act 1997*, but does not include functions
15 conferred on the ACMA by or under:

- 16 (a) the *Do Not Call Register Act 2006*; or
17 (b) the *Telecommunications Act 1997* to the extent to which that
18 Act relates to the *Do Not Call Register Act 2006*; or
19 (c) Part 6 of the *Telecommunications Act 1997* to the extent to
20 which that Part relates to telemarketing activities (within the
21 meaning of that Part).

22 **73 Subsection 15(4) (definition of ACMA's**
23 ***telecommunications powers*)**

24 Omit "*Telecommunications Act 1997*.", substitute:

25 *Telecommunications Act 1997*, but does not include powers
26 conferred on the ACMA by or under:

- 27 (a) the *Do Not Call Register Act 2006*; or
28 (b) the *Telecommunications Act 1997* to the extent to which that
29 Act relates to the *Do Not Call Register Act 2006*; or
30 (c) Part 6 of the *Telecommunications Act 1997* to the extent to
31 which that Part relates to telemarketing activities (within the
32 meaning of that Part).