

2004-2005-2006

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

SENATE

DO NOT CALL REGISTER BILL 2006

SUPPLEMENTARY EXPLANATORY MEMORANDUM

Amendment to be moved on behalf of the Government

Amendment (1) substitutes subclause 39(2) of the Do Not Call Register Bill 2006 (the Bill) with a new subclause 39(2), which requires nominations to be made in writing. Clause 39 provides that, for the purposes of the Bill, an account-holder can nominate an individual to be the account-holder's nominee. A nominee can make an application for a number to be entered on the Do Not Call Register under clause 15, or can consent to receive a telemarketing call on a number that is registered on the Do Not Call Register (subclause 11(2)).

The effect of the proposed amendment will be that an account-holder must nominate a person in writing before that person (the nominee) can either apply to have a number listed on the Register or consent to receive a telemarketing call on a number which is on the Register. The account holder will not be able to make nominations orally.

The proposed amendment will provide greater certainty about the relationship between the account-holder and the nominee. There will be written evidence that the account-holder has nominated another person to register the account-holder's number on the Do Not Call Register and/or is able to consent to receive telemarketing calls. This in turn will give a person making a telemarketing call comfort as the account-holder will need to act positively to give effect to the nomination.

(Circulated by authority of Senator the Hon. Helen Coonan, Minister for
Communications, Information Technology and the Arts)