



Do Not Call Register – consumer information

Introduction

The Do Not Call Register is being established by the Australian Government in response to increasing community concern about the growth in unsolicited telemarketing calls.

Under the *Do Not Call Register Act 2006* and *Do Not Call Register (Consequential Amendments) Act 2006*, the Australian Communications and Media Authority (ACMA) is responsible for:

- establishing and overseeing the operation of the Do Not Call Register, and
- determining and enforcing an industry standard for telemarketing and research calls.

Together, the register and industry standard are intended to minimise and regulate unsolicited telemarketing calls in Australia.

What is the Do Not Call Register?

The Do Not Call Register is a database of telephone numbers. Generally, it will be against the law to make unsolicited telemarketing calls to a number listed on the Do Not Call Register. This is subject to some limited exemptions.

When will the Do Not Call Register be set up?

The Do Not Call Register is expected to be operating no later than May 2007. A new industry standard for telemarketing and research calls will start at the same time.

When and how can I register?

Individuals will be able to register their numbers either online or by telephone. Applications by post will also be accepted. Further details of how to register will be available in coming months.

Who can register a telephone number?

Only the relevant account holder for the telephone number being listed, or someone nominated by the account holder can register the number.

Which telephone numbers can be registered?

Only Australian telephone numbers used primarily for private and domestic purposes can be listed on the Do Not Call Register. These include fixed (or landline) numbers, mobile phone numbers and voice over internet protocol (VoIP) numbers.

Businesses will not be able to register their numbers. Fax numbers will also not be accepted.

What can I expect once my telephone number is on the Do Not Call Register?

Once you have listed your number on the Do Not Call Register, telemarketers will not be allowed to call you unless you have either consented to receive the call, *or* the call is a specific type of call from an organisation which is eligible for exemption.

It may take up to 30 days for telemarketers to check their call lists with the register, and stop calling registered telephone numbers. This is permitted so it is valuable to note the date of your registration.

Who is exempt from the legislation and why are they exempt?

Exemptions exist for some types of calls made by certain organisations considered to be operating in the public interest. These include government bodies, registered political parties, independent members of parliament, nominated political candidates, religious organisations, charities and educational institutions. These exemptions are to ensure that these organisations and individuals can continue to provide services to the community.

Exemptions also apply where a telephone account holder (or their nominee) has consented to receive a call. Consent can either be given outright, or can be inferred. Consent may be inferred where an individual does not expressly consent to receiving a particular telemarketing call but it is reasonable to expect that they might accept the call, for example, when a bank calls a current account

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holder. Remember that you are able to withdraw your consent at any time by asking the business not to contact you again.

Do I have to pay to register?

No. Individuals will not have to pay to register their telephone numbers.

Is there an expiry on registration?

Yes. Registration will only last for three years. You will need to contact the Do Not Call Register to re-register if you wish to continue your listing after this time. You can remove your registration at any time.

What is a telemarketing call?

Generally speaking, a telemarketing call is a voice call offering to supply, provide, advertise or promote goods, services, land or a business or investment opportunity. Telemarketing calls include messages which have a commercial or marketing element.

Calls that are *not* considered telemarketing calls are:

- product recall calls
- fault rectification calls
- appointment rescheduling calls
- appointment reminder calls
- calls relating to payments
- solicited calls
- calls not answered by the person to whom the call is made.

How will telemarketers know which numbers they can call?

The Act allows telemarketers to submit their calling lists to be checked against the Do Not Call Register. Registered numbers will be removed and a 'clean' list returned to the telemarketer. Telemarketers are only permitted to call the remaining telephone numbers on the checked calling lists.

When is a telemarketer allowed to call?

Even if your number is on the register, telemarketers may call if:

- you have given prior consent to receive the call
- you have only registered within the last 30 days
- the call is from an exempt organisation, such as a charity or political party.

Calls may be made by mistake, even though reasonable precautions were taken to prevent this happening.

Are there any penalties for breaching the legislation?

Yes. Anyone who breaches the rules in the legislation may face penalties and injunctions. ACMA will be able

to issue formal warnings or infringement notices or commence court proceedings. The courts will be able to impose fines ranging from \$1,100 to \$1.1 million for each breach. Those who have suffered loss or damage as a result of a breach will be able to apply for compensation.

Will the Do Not Call Register Act apply to calls originating outside Australia?

Yes. The legislation applies irrespective of where the call originates. Telemarketers operating outside Australia will face the same penalties as telemarketers operating within the country, if they call a number on Australia's Do Not Call Register.

What standards apply?

A new standard, which applies to telemarketing calls as well as opinion polling and standard questionnaire-based research calls, aims to provide a minimum set of requirements for these calls. It aims to provide greater certainty for consumers on the minimum level of behaviour they can expect from those making unsolicited telemarketing and research calls.

Once operating, the standard will:

- prohibit callers from making telemarketing and research calls during specific hours and on particular days
- require callers to provide particular information about themselves to those they are calling
- specify situations in which callers are obliged to terminate a call, and
- require callers to enable calling line identification.

The standard will commence at the same time as the Do Not Call Register.

Further information

This information sheet is intended as an overview. Further information about the Do Not Call Register and industry standard will be available in coming months.

For regular updates on the Do Not Call Register, visit the ACMA website: www.acma.gov.au/donotcall
email: donotcalltaskforce@acma.gov.au

telephone: (03) 9963 6800.

More information about the legislation is available in the Explanatory Memorandum to the *Do Not Call Register Bill 2006* at www.comlaw.gov.au.