

Telemarketing and research calls industry standard

Overview of Telecommunications and Research Calls Industry Standard 2007

Overview

The Telecommunications and Research Calls Industry Standard 2007 (the telemarketing and research calls industry standard) sets rules about when and how telemarketers can contact people. Specifically, it includes requirements for:

- when telemarketing and research calls cannot be made
- information that must be provided during a telemarketing or research call
- when calls must be terminated
- the use of calling line identification.

The telemarketing and research calls industry standard applies to any person or business intending to make telemarketing or research calls, regardless of whether they are exempt from the *Do Not Call Register Act 2006* (the Act).

This means that even if a particular business, such as a charitable organisation, is exempt from the requirements of the Act and therefore able to call numbers listed on the register, it must still meet the requirements contained in the telemarketing and research calls industry standard.

Different rules can apply depending upon whether a call is a research call or other telemarketing call.

In general:

- a call is a research call if one of its purposes is to conduct opinion polling or standard questionnaire-based research; and
- a call is a telemarketing call if one of its purposes is to offer to supply, or to advertise or promote, goods or services, or an interest in land, or a business or investment opportunity, or to advertise or promote a supplier of any of the above, or to solicit donations.

Where a call is for a 'dual purpose', in that it contains opinion polling or research elements, but also has a telemarketing component, then the call becomes a telemarketing call for the purposes of the Act and must not be made to a number on the register unless it is a designated telemarketing call.¹

Calling times

Telemarketers and researchers are not able to call people during the times set out in Table 1 in this information sheet, unless the consumer has consented to being called at that time. The term 'consent' has the same meaning as in the Act. A separate information sheet on the topic of consent is available.

The times set out in Table 1 refer to the time of day at the person's usual residential address.

Provision of information during a call

Callers need to provide people with certain information when they call. The timing for when they need to provide the information differs, depending on whether it is a research call or other telemarketing call.

In the case of a 'dual purpose' call, both purposes need to be stated immediately after the call commences.

Please refer to Table 2 in this information sheet for advice on what information must be provided during a call and what information you can ask a caller to provide at a later date.

¹ Calls made by certain organisations, for example charities, are 'designated telemarketing calls' under the Act and are exempt from the prohibition on calling numbers listed on the register. For more information, see the ACMA's *What calls could I still receive* information sheet.

Terminating a call

A caller must terminate a call, or ensure that a call is terminated, immediately if:

- they are made aware that the person they are calling is not at their usual residential address, the time at the person's current location is outside of the permitted calling times, and the called person does not specifically state that they would like the call to be continued; or
- the person they are calling asks for the call to be terminated or otherwise indicates they do not wish to have the call continue.

Enabling calling line identification

A caller must ensure that calling line identification is enabled at the time they make or attempt to make a call, or cause a call to be made.

Further information

Information about the Fax Marketing Industry Standard 2011 can be found at www.acma.gov.au

Further information about the register 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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Table 1: Times when calls are not to be made

	Weekdays	Saturday	Sunday	National public holidays¹
Research calls	Before 9.00 am After 8:30 pm	Before 9.00 am After 5.00 pm	Before 9.00 am After 5.00 pm	All day
Other telemarketing calls	Before 9.00 am After 8.00 pm	Before 9.00 am After 5.00 pm	All day	All day

¹National public holidays include New Year's Day, Australia Day, Good Friday, Easter Monday, Anzac Day, Christmas Day and Boxing Day. This includes a day given in lieu of one of these public holidays.

Note for consumers:

Where more stringent calling hour restrictions apply under a state or territory law, the more stringent requirements will continue to apply. The ACMA understands that state and territory laws regulate contacts directed towards sales and do not directly regulate calling hours for research calls.

Table 2: Provision of information during a call

Callers need to provide people with certain information when they call. Exactly when they need to provide the information differs, depending on whether it is a research call or other telemarketing call.

Telemarketing calls	
Information that must be provided as soon as the call starts:	<ul style="list-style-type: none"> the given name of the person calling the purpose of the call if the telemarketing company is calling on behalf of another business, the name of that business
Information that must be provided on request if applicable, but does not need to be provided if the consumer doesn't ask for it:	<ul style="list-style-type: none"> the full name or staff ID of the person calling if the person is making the call as an employee of a company or business, the name and contact details of the person's employer if the person is not making the call as an employee of a company or business, their own full name or business name and contact details (details of a telephone number used principally for residential purposes are not required where the caller makes the calls from their residential address.) if the telemarketing company or business is calling on behalf of another business, the contact details of that business the name and contact details of the person responsible for dealing with inquiries and complaints about (as applicable): <ul style="list-style-type: none"> the person making the call the telemarketing company or business they are calling from the business on behalf of which the telemarketing company or business is calling
Information that must be provided within a reasonable time frame (not exceeding 7 days) if the consumer asks for it:	<ul style="list-style-type: none"> where the person calling obtained the telephone number, or that it was from a private individual the name of the person the call was intended for (if applicable) the name and contact details of any organisation that provided the information to the person calling (if applicable)
Research calls	
Information that must be provided as soon as the call starts:	<ul style="list-style-type: none"> the given name of the person calling the purpose of the call
Information that must be provided on request or, if the consumer doesn't request it, before the end of the call:	<ul style="list-style-type: none"> if the research company is calling on behalf of another business, the name of that business
Information that must be provided on request if applicable, but does not need to be provided if the consumer doesn't ask for it:	<ul style="list-style-type: none"> the full name or staff ID of the person calling if the person is making the call as an employee of a company or business, the name and contact details of the person's employer if the person is not making the call as an employee of a company or business, their own full name or business name and contact details (details of a telephone number used principally for residential purposes are not required where the caller makes the calls from their residential address) if the research company or business is calling on behalf of another business, the contact details of that business the name and contact details of the person responsible for dealing with inquiries and complaints about (as applicable): <ul style="list-style-type: none"> the person making the call the research company or business they are calling from the business on behalf of which the research company or business is calling
Information that must be provided within a reasonable time frame (not exceeding 7 days) if the consumer asks for it:	<ul style="list-style-type: none"> where the person calling obtained the telephone number, or that it was from a private individual the name of the person the call was intended for (if applicable) the name and contact details of any organisation that provided the information to the person calling (if applicable)

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