

# Do Not Call Register— Overview for industry

The Do Not Call Register (the register) is an Australian Government initiative that provides Australians with the opportunity to 'opt out' of receiving most telemarketing calls and marketing faxes. The legislative arrangements that establish the register include:

- the *Do Not Call Register Act 2006* (the Act) which establishes the register, outlines rules for making certain telemarketing calls and sending marketing faxes, and provides exceptions
- the Do Not Call Register Regulations 2006 (the regulations) which specify the types of calls that are not telemarketing calls and the persons who are considered to be deemed nominees of a relevant account holder
- the Telecommunications (Do Not Call Register) (Telemarketing and Research Calls) Industry Standard 2007 (the industry standard), which sets rules for people who make telemarketing and research calls about when and how they can make certain calls
- other legislative arrangements concerning the detailed working of the register.

## Who needs to comply with the requirements?

If you make telemarketing calls or send marketing faxes, or cause telemarketing calls to be made or marketing faxes to be sent, you need to be aware of the requirements of the Act and ensure that you comply with them, and the industry standard. Further information about what constitutes a telemarketing call is in the information sheet: *What is a telemarketing call?* Further information about what constitutes a marketing fax is in the information sheet: *What is a marketing fax?*

If you make or commission calls to conduct opinion polling or carry out standard questionnaire-based research, you also need to be aware of the industry standard and ensure you comply with its requirements.

## Do Not Call Register Act

People can register their number on the register if it is:

- used or maintained primarily for 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

It is against the law to make unsolicited telemarketing calls or to send marketing faxes to a number listed on the register, unless consent (express or inferred) has been obtained for the call or fax.

The Act allows certain telemarketing calls and marketing faxes to be made or sent, where the contact is authorised by an exempt organisation. These include calls authorised by:

- government bodies
- religious organisations
- charitable institutions
- certain calls relating to goods and services supplied by a charitable institution, religious organisation or government body
- political parties, independent members of parliament and candidates
- educational institutions, where the call is made to a household where a current or former student lives or has lived previously.

However, where the call or fax relates to goods or services, the exempt organisation must be the supplier or prospective supplier of those goods and services for the call to be exempt.

Telemarketing calls and marketing faxes may also be made or sent to a person who has consented to receiving the contact. Further information on consent can be found in the ACMA's *Consent* information sheet.

The register is kept and maintained by the register operator, Service Stream Solutions Pty Ltd. People who make telemarketing calls or send marketing faxes are able to submit their contact lists to the register operator for checking or ‘washing’ against the register. This helps telemarketers and fax marketers avoid contacting numbers that are on the register.

For further information about the washing process, including technical specifications, go to the Do Not Call Register website at [www.donotcall.gov.au](http://www.donotcall.gov.au).

A copy of the Act is available on the ACMA website [www.acma.gov.au/donotcall](http://www.acma.gov.au/donotcall).

## Regulations

Under the Do Not Call Register Regulations, certain calls are not considered to be telemarketing calls. These include:

- product recall calls
- fault verification calls
- appointment rescheduling calls
- appointment reminder calls
- calls relating to payments
- solicited calls relating to orders or requests or customer enquiries.

The regulations also prescribe circumstances where a person is deemed to be a nominee of a relevant account holder for the purpose of giving consent to receiving telemarketing calls.

For a copy of the regulations, go to the Do Not Call Register website at [www.donotcall.gov.au](http://www.donotcall.gov.au).

## Telemarketing Industry standard

The industry standard includes requirements for:

- when telemarketing and research calls can not 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 industry standard applies to any person or business intending to make (or arranging for someone else to make) telemarketing or research calls, regardless of whether they are exempt from the Act. While researchers will generally make calls that are not telemarketing calls and are outside the Act, they are still subject to the industry standard.

For a copy of the industry standard, go to the Do Not Call Register website at [www.donotcall.gov.au](http://www.donotcall.gov.au).

## Fax Industry Standard

The ACMA is required to produce a Fax Marketing Industry Standard. In doing so, the ACMA will consult with the fax marketing industry.

## Further information

Further information about the register, the regulations and the industry standard is available at [www.acma.gov.au/donotcall](http://www.acma.gov.au/donotcall) and [www.donotcall.gov.au](http://www.donotcall.gov.au).

A series of information sheets is also available on the ACMA website, at [www.acma.gov.au/donotcall](http://www.acma.gov.au/donotcall).

*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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