

Do Not Call Register— Information for the home insulation industry

This information sheet is for anyone involved in installing insulation, including under the Australian Government's 'Home Insulation Program'. It provides information about how to make sure your sales calls comply with the Do Not Call Register (the register).

The register provides Australians with the opportunity to 'opt out' of receiving certain telemarketing calls.

Under the *Do Not Call Register Act 2006* (the Act), unsolicited telemarketing calls cannot be made to a number on the register, unless the person has consented to receive the call.

In addition, the Telecommunications and Research Calls Industry Standard 2007 (industry standard) sets rules about when and how telemarketing and research calls may be made.

You should read this information carefully and if you have any questions call 1300 785 749 or visit www.donotcall.gov.au for further information.

Who needs to comply?

The Act and industry standard apply to all businesses and call centres that engage in telephone marketing. This includes home insulation installers.

A telemarketing call is a voice call made to an Australian telephone number with a purpose of:

- > offering to supply or provide, or advertising or promoting:
 - > goods or services
 - > land or an interest in land,
 - > a business opportunity or investment opportunity, or
- > soliciting donations.

Some examples of calls commonly made by the home insulation industry (or by call centres on behalf of insulation installers) that would be considered telemarketing calls include:

- > a call to ask whether a consumer has insulation and/or is aware of the Government rebate
- > a call to inform a consumer about the Government rebate and advise them of how your business can assist them in obtaining insulation under the rebate
- > a call to offer an appointment to inspect a consumer's property and/or provide quotes on insulation installation
- > a call to offer to supply, or to advertise or promote, your goods and services in any way.

You are not allowed to make these calls to numbers on the register.

Solicited calls (for example, returning a call when a consumer has made an enquiry with your business) may generally be made to a number on the register.

Checking the Do Not Call Register

There is a system available for people to check whether numbers are on the register (this is called 'washing'). You can access the system to establish a washing account by visiting

www.donotcall.gov.au. Once you have set up an account, you can wash your calling lists against the register. This will identify which numbers you can and cannot call.

A low subscription fee is payable, depending how many numbers you wash. For example, washing less than 500 numbers is free and washing 20,000 numbers is \$78.

Purchasing call lists (including 'leads') and using call centres

If you are purchasing 'leads' from a call centre you may be responsible under the Act and the industry standard for the calls made to generate those leads.

If you engage a third party to generate leads or make telemarketing calls on your behalf, you need to ensure that they do not make calls to numbers on the register.

You should use the contract checklist that has been made specifically for the insulation industry when you are contracting with third parties and call centres.

The checklist is available from www.acma.gov.au/donotcall or by calling 1300 785 749.

You should understand that you can be found liable for a number being called on the register even if you didn't actually make the call.

You should also make sure that you wash call lists that you have purchased against the register and call the numbers within 30 days of the date they were washed.

Applicable penalties

Substantial penalties may apply if a person or company is found to have unlawfully called numbers on the register. A single call to a number on the register can result in a penalty of \$2,200.

Penalties can be imposed either through an infringement notice (which does not require any court action) or prosecution in the Federal Court or Federal Magistrates Court.

If a finding is made by the Australian Communications and Media Authority (the ACMA) or the Federal Court or Federal Magistrates Court that you or your company has breached the Act or the industry standard, then the matter may also be referred to the Department of Environment, Water, Heritage and the Arts for consideration of whether the installer involved should be removed from the Installer Provider Register. This would mean the installer could no longer claim the Government rebate.

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SYDNEY
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Tips for compliance

To ensure your compliance with the Act and the industry standard, the ACMA recommends that you:

- > **DO** advise your staff about the Do Not Call Register
- > **DO** 'wash' any numbers you intend to call against the Do Not Call Register
- > **DO** ensure that any company you are using to make calls on your behalf 'washes' its numbers and that the contract between you and the company includes this requirement (use the checklist!)
- > **DO** ensure that numbers are called within 30 days of being washed
- > **DO** use the ACMA checklists when entering into a contract with a call centre or third party
- > **DO** contact the ACMA if you have any questions about the Do Not Call Register
- > **DO** enable call line identification
- > **DO** terminate a call when requested
- > **DO** provide information about your business when you call
- > **DO NOT** purchase 'leads' from a call centre unless you are confident the call centre is washing its numbers against the register
- > **DO NOT** call any 'leads' or lists you have purchased without washing them yourself first
- > **DO NOT** call anyone before 9 am or after 8 pm Monday to Friday, on Sundays or public holidays, or before 9 am or after 5 pm on a Saturday.

Further information

Further information sheets are available at www.donotcall.gov.au on the following topics:

- > An overview of the Do Not Call arrangements
- > What is a telemarketing call?
- > Consent
- > The industry standard
- > The ACMA complaints and investigations processes
- > Penalties and enforcement
- > Calls to business numbers

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.