

## Formal Warning

### Section 129(2) of the *Telecommunications Act 1997*

**To:** South Australia (SA) Division of the Liberal Party of Australia  
**Of:** 104 Greenhill Road  
Unley SA, 5061

I, Jeremy Fenton, delegate of the Australian Communications and Media Authority (ACMA), being satisfied that the SA Division of the Liberal Party of Australia, has contravened the *Telecommunications Act 1997* (the Act), by failing to comply with the *Telecommunications (Telemarketing and Research Calls) Industry Standard 2017* (Telemarketing Industry Standard) as described below;

**HEREBY** issue a formal warning under subsection 129(2) of the Act, for contraventions of subsection 128(1) of the Act, for failing to comply with paragraph 8(2) of the Telemarketing Industry Standard, namely making or attempting to make research calls on a weekday before 9 am.

#### ACMA Investigation

On 30 July 2019, the ACMA commenced an investigation into the SA Division of the Liberal Party of Australia for alleged contraventions of the Telemarketing Industry Standard. The SA Division of the Liberal Party of Australia admitted the contraventions and had taken steps to rectify the causes of noncompliance.

#### Obligations

Section 8 of the Telemarketing Industry Standard relevantly provides that:

- (2) Subject to subsections (3) and (5), a caller must not make, or cause to be made, a research call, or attempt to make a research call, on:
- (a) a weekday before 9 am; or
  - (b) a weekday after 8.30 pm; or
  - (c) a Saturday before 9 am
  - (d) a Saturday after 5 pm; or
  - (e) a Sunday before 9am; or
  - (f) a Sunday after 5 pm.

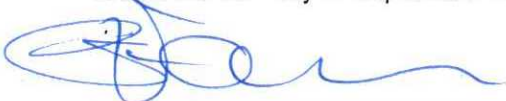
Subsection 8(3) provides a list of national public holidays (or days in lieu) on which a caller must not make or attempt to make a call at any time. Subsection 8(5) provides an exception where express consent to call at that day or time has been given by the account-holder in advance. 'Research call' is defined in section 6 of the Telemarketing Industry Standard.

#### Details of the contraventions

The ACMA, after investigation, has reasonable grounds to believe that, on 24 and 25 July 2019:

- (a) Calls were made, or attempted to be made, on behalf of the SA Division of the Liberal Party of Australia to Australian numbers, prior to 9 am on a weekday.
- (b) The calls were for the purpose of opinion polling. As such, the calls were research calls.
- (c) The calls were not made with express consent to call at that time obtained in advance.

Dated this 23<sup>rd</sup> day of September 2019



Jeremy Fenton  
Delegate of the Australian Communications and Media Authority