

Formal Warning

Section 40 of the *Do Not Call Register Act 2006*

TO: TownandCountrySolar.com.au Pty Ltd (ACN 619 726 831)

OF: C/o BDO
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I, Jeremy Fenton, delegate of the Australian Communications and Media Authority (ACMA), being satisfied that TownandCountrySolar.com.au Pty Ltd ACN 619 726 831 (Town and Country Solar) has contravened section 11(1) of the *Do Not Call Register Act 2006 (Act)*, which is a civil penalty provision:

HEREBY issue Town and Country Solar with a formal warning under section 40 of the Act for one or more contraventions of section 11(1) of the Act, namely making telemarketing calls to Australian numbers on the Do Not Call Register.

Details of the contraventions

The ACMA commenced an investigation into Town and Country for alleged contraventions of the Act on 19 September 2018.

Obligations

The Act states:

- 11(1) a person must not make, or cause to be made, a telemarketing call to an Australian number if:
- (a) the number is registered on the Do Not Call Register; and
 - (b) the call is not a designated telemarketing call.

This section does not apply if the relevant account-holder consented to the making of the telemarketing call (as per section 11(2) of the Act).

Investigation findings

The ACMA has found there are reasonable grounds to believe that:

- a. Town and Country Solar made one or more telemarketing calls to Australian numbers on the Do Not Call Register between 9 November 2017 and 26 June 2018;
- b. The telemarketing calls were made for the purpose of offering or promoting solar installation services;
- c. The calls were not designated telemarketing calls (as defined in Schedule 1 of the Act);
- d. The calls were made without the consent of the relevant account-holder.

Dated this 9th day of October 2019.

Jeremy Fenton
Delegate of the Australian Communications and Media Authority