

Enforceable Undertakings

These enforceable undertakings (the undertakings) are given by Richard Charles Davies to the Australian Communications and Media Authority (the ACMA) pursuant to section 572B of the *Telecommunications Act 1997* (Cth).

1 Definitions and interpretation

- 1.1 In the undertakings:
 - a) **ACMA** means the Australian Communication and Media Authority;
 - b) **DNCR Act** means the *Do Not Call Register Act 2006* (Cth);
 - c) **Richard Davies** means Richard Charles Davies;
 - d) **Telecommunications Act** means the *Telecommunications Act 1997* (Cth);
 - e) **undertakings** means all Enforceable Undertakings given by Richard Davies in this document.
- 1.2 Words and expressions defined in the Telecommunications Act or DNCR Act have the same meaning in these undertakings, unless otherwise specified.
- 1.3 A reference to legislation includes any modification or re-enactment of it, and any regulations made under it.

2 Background

- 2.1 On 10 April 2019, the ACMA notified TownandCountrySolar.com.au Pty Ltd that it has reasonable grounds to believe that it made telemarketing calls to numbers on the Do Not Call register without the consent of the relevant account-holders in contravention of section 11(1) of the DNCR Act. Richard Davies was a director at the time of the findings being given to TownandCountrySolar.com.au Pty Ltd.
- 2.2 Richard Davies acknowledges the ACMA's findings, and offers these undertakings to the ACMA.

3 Term and variation of the undertakings

- 2.3 The commencement date is the day the ACMA notifies Richard Davies of its acceptance of the undertakings via electronic means.
- 2.4 The undertakings remain in force for a period of 365 days from the commencement date.
- 2.5 The undertakings may cease to be in force earlier where it is:
 - (a) withdrawn by Richard Davies, with the consent of the ACMA, pursuant to section 572B(3) of the Telecommunications Act; or
 - (b) cancelled by the ACMA via written notice in accordance with section 572B(4) of the Telecommunications Act.

- 2.6 The undertakings may be varied by Richard Charles Davies at any time with the written consent of the ACMA.

4 The undertakings

- 4.1 The commencement date is the day the ACMA notifies Richard Davies of its acceptance of the undertakings via electronic means.
- 4.2 I will notify the ACMA, if I intend to commence activities in any professional capacity (including as a director or employee of any company, including TownAndCountry.com.au) in connection with telemarketing or the making of telemarketing calls (the proposed activities), at least 20 business days before commencing the proposed activities and provide the following information:
- (a) The date I intend to commence the proposed activities.
 - (b) A detailed description of the nature of the proposed activities, my role and responsibilities.
 - (c) A detailed description of how I intend to comply with my obligations under the DNCR Act regarding the proposed activities.
 - (d) The name and address of any entity that I intend to commence the proposed activities for, or on behalf of, and a description of the core business and telemarketing activities of the entity.
- 3.2 The notification will be in writing, accompanied by a copy of this undertaking, and addressed to:

Manager, Unsolicited Communications Enforcement Section
Unsolicited Communications and Numbering Branch
Australian Communications and Media Authority
PO Box 13112
Law Courts, Melbourne VIC 8010

unless the ACMA agrees in writing for the notification to be provided to another address, electronic or otherwise.

Enforceable Undertakings

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1 Definitions and interpretation

- 1.1 In the undertakings:
 - a) **ACMA** means the Australian Communication and Media Authority;
 - b) **DNCR Act** means the *Do Not Call Register Act 2006* (Cth);
 - c) **Simon Houghton** mean Simon Andrew Houghton;
 - d) **Telecommunications Act** means the *Telecommunications Act 1997* (Cth);
 - e) **undertakings** means all Enforceable Undertakings given by Simon Houghton in this document.
- 1.2 Words and expressions defined in the Telecommunications Act or DNCR Act have the same meaning in these undertakings, unless otherwise specified.
- 1.3 A reference to legislation includes any modification or re-enactment of it, and any regulations made under it.

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- 2.1 On 10 April 2019, the ACMA notified TownandCountrySolar.com.au Pty Ltd that it has reasonable grounds to believe that it made telemarketing calls to numbers on the Do Not Call register without the consent of the relevant account-holders in contravention of section 11(1) of the DNCR Act. Simon Houghton was a director at the time of the findings being given to TownandCountrySolar.com.au Pty Ltd.
- 2.2 Simon Houghton acknowledges the ACMA's findings, and offers these undertakings to the ACMA.

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- 3.4 The undertakings may be varied by Simon Andrew Houghton at any time with the written consent of the ACMA.

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