

Formal Warning

Compliance with the *Do Not Call Register Act 2006*

To: Ausgreen International Pty Ltd

Of: Suit 2 Level 3 1C Grand Avenue ROSEHILL NSW 2142

I, Jeremy Fenton, delegate of the Australian Communications and Media Authority (ACMA), being satisfied for the reasons set out in the ACMA's letter to it dated 19 December 2019 (and summarised below) that Ausgreen International Pty Ltd ACN 146 575 680 trading as Ausgreen Solar (Ausgreen Solar), has on one or more occasions contravened subsection 11(1) of the *Do Not Call Register Act 2006* (the DNCR Act);

HEREBY issue Ausgreen Solar with a formal warning under section 40 of the DNCR Act, to comply with subsection 11(1) of the DNCR Act.

Obligations imposed under subsection 11(1)

Subsection 11(1) of the DNCR Act provides that:

- (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.

Subsection 11(2) provides that subsection 11(1) does not apply if the relevant account-holder consented to the making of the telemarketing call.

Subsection 11(8) provides that subsection (1) is a civil penalty provision.

Section 40 of the DNCR Act provides that the ACMA may issue a formal warning if a person contravenes a civil penalty provision.

'Telemarketing call' is defined in section 5 of the DNCR Act.

'Designated telemarketing call' is defined in Schedule 1 to the DNCR Act.

Consent is defined in Schedule 2 to the DNCR Act.

Investigation

On 26 September 2019, the ACMA commenced an investigation into Ausgreen Solar following consumer complaints alleging telemarketing calls had been made to a number on the Do Not Call Register.

Details of the contraventions

The ACMA found that between **11 December 2018** and **1 May 2019**:

- (a) Ausgreen Solar made, or caused to be made, one or more calls to an Australian number on the Do Not Call Register;
- (b) the calls were voice calls for the purpose of offering or promoting Ausgreen Solar's products and services, and were therefore telemarketing calls; and
- (c) The calls were not designated telemarketing calls, as set out in Schedule 1 to the DNCR Act.

Dated this 11th day of February 2020.



Jeremy Fenton
Delegate of the Australian Communications and Media Authority