

Formal Warning

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

To: Bvid Pty Ltd

Of: Walker Wayland Advantage Pty Ltd
Level 7, 114 William Street
Melbourne VIC 3000

I, Richard Bullock, delegate of the Australian Communications and Media Authority (ACMA), being satisfied for the reasons set out in the ACMA's letter dated 11 October 2019 (and summarised below) that Bvid Pty Ltd ACN 619 543 547 (Bvid) has contravened subsection 11(1) of the *Do Not Call Register Act 2006* (the DNCR Act);

HEREBY issue Bvid 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', 'designated telemarketing call' and 'consent' are defined terms in the DNCR Act.

Investigation findings

On 24 April 2020, the ACMA commenced an investigation into Bvid following 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 1 and 15 April 2019:

- (a) Bvid 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 Bvid products and services, and were therefore telemarketing calls
- (c) the calls were not designated telemarketing calls, as set out in Schedule 1 to the DNCR Act
- (d) the calls were made without consent of the relevant account-holders.

Dated this 24th day of April 2020.



Richard Bullock
Delegate of the Australian Communications and Media Authority