

Formal Warning

Compliance with the *Do Not Call Register Act 2006*

To: Martin and Hunt Pty Ltd

Of: '301', 40 Mann Street, Gosford NSW 2250

I, Jeremy Fenton, delegate of the Australian Communications and Media Authority (ACMA), being satisfied that Martin and Hunt Pty Ltd ACN 167 673 047 (Martin and Hunt) has contravened subsection 11(1) of the *Do Not Call Register Act 2006* (the DNCR Act);

HEREBY issue Martin and Hunt with a formal warning under section 40 of the DNCR Act to comply with subsection 11(1) of the DNCR Act.

Obligations under subsections 11(1) of the DNCR Act

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

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.

Under subsections 11(2), (3), (4) and (5) of the DNCR Act, exceptions apply to the prohibition in subsection 11(1).

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.

Investigation


The ACMA commenced an investigation into Martin and Hunt on 16 February 2021. This followed information obtained in a separate investigation into the telemarketing activity of Chase Edwards and Associates Pty Ltd (Chase Edwards) that suggested Martin and Hunt may have contravened the DNCR Act when making calls on behalf of Chase Edwards.

Details of the contraventions

The ACMA found that:

- (a) Martin and Hunt made 2 telemarketing calls to Australian numbers on the Do Not Call Register on 20 August 2020;
- (b) the calls were not designated telemarketing calls; and
- (c) no exceptions applied to Martin and Hunt making the telemarketing calls.

Dated this 18th day of May 2021.


Jeremy Fenton
Delegate of the Australian Communications and Media Authority