



Infringement Notice

Do Not Call Register Act 2006

I, Jeremy Fenton, an authorised officer for the purposes of clause 8 of Schedule 3 to the *Do Not Call Register Act 2006* (**the Act**), having reasonable grounds to believe that Information Support Australia Pty Ltd ACN 644605363 (**Information Support Australia**) has committed one or more contraventions of a particular civil penalty provision,

HEREBY give an infringement notice (**the Notice**) under clause 2 of Schedule 3 to the Act to:

Information Support Australia Pty Ltd

at

8 Nicolson Court
Mermaid Waters QLD 4218

Details of Alleged Contraventions of Civil Penalty Provision

It is alleged that Information Support Australia contravened subsection 11(1) of the Act on 27 October 2020, by causing 23 telemarketing calls to be made to Australian numbers registered on the Do Not Call Register (**the Register**), where the calls were not designated telemarketing calls. Schedule 1 to this Notice sets out brief details of the alleged contraventions of the civil penalty provision.

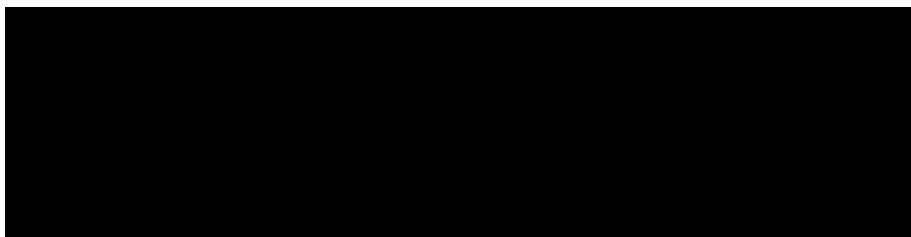
Amount of Penalty

The total pecuniary penalty (**the penalty**) for the alleged contraventions is \$102,120. The penalty is calculated in accordance with subclause 4(1) of Schedule 3 to the Act.

Payment of Penalty

The penalty should be paid to the Australian Communications and Media Authority (**ACMA**), on behalf of the Commonwealth, by deposit into the following account **within 28 days after the Notice is given**.

Please include the narration “Information Support Australia - UCES” with your payment:



If the penalty is paid

If the penalty is paid to the ACMA, on behalf of the Commonwealth, **within 28 days after the Notice is given**, this matter will not be dealt with by the Federal Court of Australia and any liability for the contraventions that are the subject of this Notice is discharged.

If the penalty is not paid

If you do not pay the penalty **within 28 days after the Notice is given**, the ACMA may take action for the alleged contravention(s).

That action may include the institution of civil penalty proceedings in the Federal Court. The penalties that the Court can impose are potentially significantly higher than those that can be specified in an Infringement Notice (see section 25 of the Act).

Withdrawal of the Notice

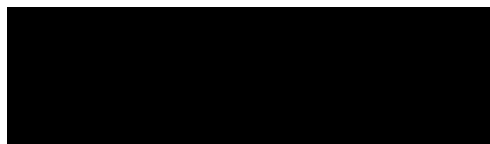
The ACMA may withdraw this Notice. To be effective, the withdrawal must occur within 28 days after the Notice was given.

If you believe that the Notice should be withdrawn, you should write by 27 September 2021 setting out the basis/reasons for this position. The ACMA may take this into consideration when deciding whether or not to withdraw this Notice.

If the Notice is withdrawn after the penalty is paid, the penalty will be refunded.

Please note that if this Notice is withdrawn, the ACMA may consider taking action, including under Part 4 of the Act, for the alleged contravention(s), the subject of this Notice.

DATE: 6 September 2021



Jeremy Fenton
Executive Manager
Consumer, Consent and Numbers Branch
Australian Communications and Media Authority

SCHEDULE 1

In accordance with clause 3 of Schedule 3 to the Act, brief details of each of the alleged civil contraventions are set out below.

1. Background

- 1.1. Information Support Australia is a registered company under the *Corporations Act 2001*, with a registered office at 8 Nicolson Court, Mermaid Waters, Queensland 4218.
- 1.2. On 15 January 2021, the ACMA commenced an investigation into whether Information Support Australia had contravened the Act.
- 1.3. Before commencing the investigation, the ACMA received complaints from consumers claiming that telemarketing calls promoting Information Support Australia's services had been made to numbers on the Register.

2. Matters giving rise to the Notice

- 2.1. Information provided by Information Support Australia showed that on 27 October 2020, it caused 23 telephone calls to be made to Australian numbers (as defined in section 4 of the Act).
- 2.2. The numbers had been on the Register for more than 30 days at the time that each call was made.
- 2.3. The purpose of the calls referred to in paragraph 2.1 was to offer to supply, or to advertise or promote, Information Support Australia's products or services. Therefore, the calls were telemarketing calls, as defined in section 5 of the Act.
- 2.4. The calls were not designated telemarketing calls, as defined in Schedule 1 to the Act.
- 2.5. Information Support Australia stated that it did not rely on consent to cause the telemarketing calls to be made at paragraph 2.1.
- 2.6. Information Support Australia did not demonstrate that it had adequate compliance systems, processes and practices in place at the time of the alleged contraventions to prevent the calls at paragraph 2.1 from being made to numbers on the Register.

3. Relevant civil penalty provision of the Act

- 3.1. Subsection 11(1) of the Act provides that a person must not make, or cause to be made, a telemarketing call to an Australian number if the number is on the Register and the call is not a designated telemarketing call.
- 3.2. The 23 telemarketing calls caused to be made by Information Support Australia to Australian numbers on 27 October 2021 were made without the consent of the relevant account-holders.
- 3.3. There are, therefore, reasonable grounds to believe that Information Support Australia has contravened subsection 11(1) of the Act on 27 October 2020.
- 3.4. Subsection 11(1) of the Act is a civil penalty provision (as per subsection 11(8) of the Act).

4. The amount of the penalty

- 4.1. The total penalty specified in the Notice is \$102,120, calculated in accordance with subclause 4(1) of Schedule 3 to the Act, as set out in the table below.

Penalties for contraventions of subsection 11(1) of the Act

Date of contraventions	Civil penalty provision allegedly contravened	Number of contraventions of subsection 11(1)	Penalty units¹	Penalty imposed
27 October 2020	Subsection 11(1)	23	460	102,120

¹ The amount of the penalty unit at the time of the alleged contraventions was \$222, see section 4AA of the *Crimes Act 1914*.