

Do Not Call Register commences today

Plenty of media attention has been given to the Do Not Call Register (the **Register**) over the past few months. We can now confirm that the Register will commence from 31 May 2007. Individuals who wish to opt out of receiving un-solicited telemarketing calls can register from 3 May 2007.

The Register will be administered by the Australian Communications & Media Authority (ACMA). Individuals can register their private home and mobile numbers with the Register through the website www.donotcall.gov.au, by post or by fax from today, so long as those numbers are used primarily for private or domestic purposes. Registration by phone can be done from 22 May 2007. Registration is free.

The scheme established by the *Do Not Call Register Act 2006* (DNCR Act) provides a framework and rules governing organisations who make telemarketing calls, or enter into agreements concerning telemarketing calls. Organisations are prohibited from making (or causing to be made) telemarketing calls to any phone number on the Register, unless 1 of 4 exemptions apply, or unless it is a telephone call from a charity or other exempt public interest body.

The 4 exemptions are:

- ❖ express or inferred consent
- ❖ the number wasn't on the Register when the telemarketer last screened the Register, and that screening was within the last 30 days
- ❖ the call was made by mistake
- ❖ reasonable precautions and due diligence was taken to avoid any breach of the DNCR Act

The types of exempt organisations are:

- ❖ charities
- ❖ educational or religious organisations
- ❖ registered political parties
- ❖ individual members of parliament
- ❖ electoral candidates
- ❖ government bodies

Market and social researchers conducting opinion polling and standard questionnaire-based research calls will also be permitted to call. However, these calls will be subject to a national standard for telemarketing and research calls, called the [*Telecommunications \(Do Not Call Register\) \(Telemarketing and Research Calls\) Industry Standard 2007*](#). The Standard is expected to commence on **31 May 2007**.

The Standard will apply to all telemarketing calls. It will also apply to opinion polling and standard questionnaire-based research calls made to consumers and businesses. The Standard sets out the minimum standard of behaviour for unsolicited telemarketing and research calls, including:

- ❖ prohibiting certain call times
- ❖ requiring the provision of particular information during the call
- ❖ specifying particular situations where calls must be terminated
- ❖ enabling calling line identification

Any organisation that breaches the DNCR Act, or the Standard, exposes the organisation to formal warnings from the ACMA, infringement notices, the requirement for an enforceable undertaking being given, injunctive relief in the Federal Court of Australia, and fines of up to \$1.1 million per day.

If your organisation is in any way involved in making (or causing to be made) telemarketing calls, you should ensure full compliance with the DNCR Act and the Standard, and that any contractual arrangements in place with telemarketing providers adequately cater for the new framework.

This topic will be discussed in more detail at our Business Essentials Workshop being held on 25 May 2007 at Weis Restaurant Toowoomba, or please don't hesitate to contact:

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