

 **do not call register**

Australia's telemarketing laws

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communicating | facilitating | regulating



The ACMA is targeting unlawful solar telemarketing

- Breaking the rules can cost you and put your reputation on the line
- Penalties can exceed **\$210,000** per day for multiple breaches





The law

- ✓ You must not make telemarketing calls to numbers on the Do Not Call Register, unless you have consent. You can check or 'wash' numbers before calling.
- ✓ You must give certain information when you call, including your company name and the reason for your call
- ✓ You can only call at certain times (between 9am-8pm weekdays, 9am-5pm Saturdays, never on Sundays or public holidays)
- ✓ You must enable caller ID
- ✓ You must end calls when asked





So, what's the problem?

- The rules are simple – but people get them wrong
- Top three misconceptions:

“That’s not telemarketing”

“But I bought a lead”

“It wasn’t me”

“But I have consent”





That's not telemarketing (or is it?)

- Any call where you sell, advertise or promote something.
- It is not only 'cold calling'. It includes second (or any other) calls, if they are still seeking to sell, advertise or promote your product or service.
- A call is not telemarketing if it is not about sales. For example, it is usually not telemarketing to call:
 - about an appointment reminder
 - about payment
 - conduct an after sales customer surveys





But I bought a lead....

- If you make or cause the call to be made you are responsible to comply
- If you buy a lead, or a list, you still need to make sure you check before you call
- When buying lists, you can (and often should):
 - ask for records of consent, not just a list of contacts
 - get receipts if your supplier says it washed a list against the Do Not Call Register
 - have clear provisions in your contracts





It wasn't me....

- You cannot outsource your compliance obligations!
 - If you outsource to a call centre, you have caused the calls

- Take precautions to ensure all outsourcing complies with the law, e.g.
 - Contracts
 - Oversight, processes and quality assurance
 - Good record keeping





Serious consequences if the rules are breached



Penalties may exceed \$210,000 per day



Reputational damage - enforcement actions are public

- Over **\$386,400** in penalties paid last year alone
- Biggest infringement notice to date **\$285,600** – for making calls to numbers on the Do Not Call Register without consent
- Two solar businesses (and their directors) currently before the courts for alleged unlawful telemarketing – V Marketing Pty Ltd and Balaska Pty Ltd

Full list at: www.acma.gov.au/theACMA/spam-and-telemarketing-enforcement-actions



do not call register

Industry Contact Centre: 1300 785 749

www.donotcall.gov.au

www.acma.gov.au