

Do Not Call Register Commences

The Governor-General has proclaimed that 31 May 2007 will be the date on which the Do Not Call Register (the Register) commences.

The Register will allow individuals to opt-out from receiving unsolicited telemarketing calls. The related legislation provides that unsolicited telemarketing calls must not be made to a number registered on the Register, subject to a number of limited exceptions. It also provides that agreements relating to the making of telemarketing calls must require compliance with the legislation.

Practical Procedures

Individuals will be able to register home and mobile numbers on the Register, so long as the numbers are used primarily for private or domestic purposes. Persons and organisations are then prohibited from telemarketing to a number listed on the Register, unless it is a call from an exempt body (such as a charity).

A “telemarketing call” is a voice telephone call where at least one of the purposes of that call is to offer to supply, to promote or to advertise goods or services.

Exceptions

There are four exceptions to the prohibition on telemarketing calls:

1. If the telephone account holder has provided either express or inferred consent to the call;
2. If the telemarketer had “washed” its lists of telephone numbers against the Register in the last 30 days and the number was not then on the Register;
3. If the call was made by mistake; or
4. If the caller exercised due diligence to avoid contravention.

Penalties for breaching the legislation are substantial, with Courts empowered to impose fines of up to \$1.1 million per day

Action Dates

The Australian Communications & Media Authority (ACMA) will accept listings of individual telephone numbers on the Register from 3 May 2007 onwards.

Organisations that wish to screen against the Register will be able to do so from 25 May 2007.

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Need more information or assistance?

Contact our Legal Compliance experts on:

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