Australian Government

acma



Industry obligations.

Your guide to the Do Not Call Register and Australia's telemarketing rules

do not call register

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The Do Not Call Register is a government service provided under the *Do Not Call Register Act 2006* to help stop unwanted telemarketing calls and marketing faxes to Australian numbers. The Telecommunications (Telemarketing and Research Calls) Industry Standard 2017, and the Fax Marketing Standard 2011 provide additional rules that apply to all telemarketing and research calls.

Privacy information
The ACMA and the Do Not Call Register operator are bound by the *Privacy Act 1988*. You can find more information at **donotcall.gov.au**.

This document is a guide only and should not be relied on as legal advice.

Quick guide

Make sure your business complies

This guide will help you navigate the rules and provide some practical tips on how you can adopt best practice in telemarketing.

Do you or your business:

> Make or outsource telemarketing calls?

> Make or commission calls to conduct opinion polling?

> Carry out research via telephone?

> Make calls asking for donations?

If you answered yes to any of the above, then this guide is for you.

Australia's telemarketing rules are set out in the *Do Not Call Register Act 2006* (the Act) and the Telecommunications (Telemarketing and Research Calls) Industry Standard 2017 (the Telemarketing Industry Standard).

The telemarketing rules

Australians can opt out of most telemarketing calls by registering their private use numbers on the Do Not Call Register. Businesses and individuals can also register their fax numbers.

Telemarketers and fax marketers must not call numbers on the register without permission, unless the call is made by someone who is exempt.

All telemarketers and research callers must also comply with the strict rules set out in the Telemarketing Industry Standard, regardless of whether they are made by someone who is exempt from the Do Not Call Register.

What happens if you break the rules?

Consumers can complain to the ACMA. All complaints are logged in our complaint and investigation database. This information helps us to identify potentially serious, ongoing and widespread issues and to take action when necessary.

The penalties for breaching the rules can be very serious for businesses.

The rules for telemarketers

If you're making or outsourcing telemarketing calls to Australian numbers, you need to make sure you don't call numbers on the register unless you have permission or are exempt.

What are telemarketing calls?

Telemarketing calls are commercial in nature, such as offers of goods and services, land, business opportunities or soliciting donations.

Calls that are not commercial are generally not telemarketing calls. For example, calls that are solely debt collection, product recalls and appointment reminders.

Exemptions

Some organisations are exempt, so can conduct telemarketing to numbers on the register. Exempt organisations include:

> registered charities

> educational institutions calling current and past students

> government bodies

> registered political parties.

Check your lists

Calling lists can be 'washed' (checked) against the register to ensure you do not call registered numbers. More details about the washing service for industry is later in this guide.

Permission

A number on the register can be called where the recipient has given their permission. Permission can be given directly ('express') or indirectly ('inferred').

> **Express permission:** Individuals or nominees agree to receive your marketing calls. Unless they agree to a set period. Permission expires three months after it was given.

> **Inferred permission:** You may be able to infer permission from the individual's conduct, business or other relationships. For example, if a consumer holds a bank credit card, that bank may call with related offers. You can't automatically infer permission if a number is published (such as online or in a directory).

> **Withdrawn permission:** People can withdraw their permission at any time after it is expressly given or inferred. These requests must be acted upon.

Outsourced telemarketing calls

If you are using someone else to make telemarketing calls on your behalf (including international call centre providers), you are still responsible for making sure the rules are followed and that you have the evidence to prove it.

How the Do Not Call Register works

Registration

Australians can register their home and mobile phone numbers for free if they are primarily for personal use. Fax numbers for business and personal use can also be registered.

Business phone numbers are **not** eligible and can't be registered. It is an offence for users to provide false or misleading information.

The washing process

'Washing' is the process of checking your calling lists against the Do Not Call Register.

You need to regularly wash your lists. Once a specific list is washed, it shouldn't need washing again for 30 days (this is because numbers become active 30 days after they are registered).

The washing process is fast and easy. You can purchase subscriptions at different price points, based on the scale and frequency of washing services you need. Your list is washed and returned with registered numbers removed.

How to wash your call lists

1. **Create an account with the register online or over the phone**
   - > **Administration accounts:** These are suitable for most needs. You can purchase subscriptions, wash your contact lists and create wash-only accounts.
   - > **Wash-only accounts:** These are suitable for large organisations and can be established once you have an administration account. They allow additional users to wash their lists on a single subscription that remains linked to one account.
2. **Subscribe to a washing service**
   You can purchase a subscription based on the size of your list and the frequency of washing. You can use a free subscription category for first time or small-scale use. Subscriptions are valid for 12 months and can be purchased through your administration account.
3. **Wash your calling lists regularly**
   Once you have established your account and a subscription, you can wash your calling list. You will receive a download file of the washed numbers which is available for 30 days. Washing processing times are generally under one minute. If you are washing fewer than 10 numbers, you can do it through the Quick Check facility on our website.

Additional rules for all telemarketers and research callers

If you are making telemarketing or research calls to Australian numbers, you must comply with the Telemarketing Industry Standard. You must still comply if you:

> have permission to call numbers on the register

> are an exempt organisation

> are making calls to numbers that aren't on the register.

What are telemarketing and research calls?

Telemarketing calls are commercial in nature, such as offers of goods and services, land, business opportunities or soliciting donations.

Research calls include opinion polling, surveys or questionnaires (with no commercial element). Unlike telemarketing calls, they can generally be made to numbers on the register.

Calling line identification (CLI)

You must display a telephone number for return contact by the recipient. The number must be available for at least 30 days from when the original call was made. When a recipient calls the number transmitted by CLI, he or she must be able to obtain the same information they could expect to receive during a call.

Permitted calling times

You can only call during permitted times, unless permission has been given for calls at other times.

Type of call	Weekdays	Saturday	Sunday	National public holidays
Telemarketing	9 am–8 pm	9 am–5 pm	NEVER	NEVER
Research	9 am–8.30 pm	9 am–5 pm	9 am–5 pm	NEVER

National public holidays include New Year's Day, Australia Day, Good Friday, Easter Monday, Anzac Day, Christmas Day and Boxing Day, plus any day given in lieu of these public holidays.

Information you must provide during the call

You must provide the following information immediately as soon as the call starts:

For telemarketing calls:

> the given name of the person making the call (unless it is a synthetic voice)

> the employer of the person making the call (company or registered business name)

> if the call is made by a self-employed individual, their registered business name or other readily identifiable name

> who caused the call to be made (if it's made by a third party and not already stated)

> the purpose of the call.

For research calls:

> the given name of the person making the call (unless it is a synthetic voice)

> the company or registered business of the employer making the call

> if the call is made by a self-employed individual, their registered business name or other readily identifiable name

> the purpose of the call.

Please note that researchers are not required to give the name of their employer at the start of a call if it would compromise the research, for example, where a company is doing research on its own behalf. In this case, the name of the company must be provided before the end of the call or immediately if requested by the consumer.

If asked, you must also provide the following information immediately:

> the contact details of the person or employer making the call

> if the call is made on behalf of someone else, the contact details of that organisation

> the name and contact details of the person responsible for dealing with complaints and enquiries.

When to end a call

You must end a call immediately if:

> the recipient asks or otherwise indicates that they do not want the call to continue

> you become aware the recipient is not at their usual residential address and the time at their current location is outside permitted calling times.

Examples of statements a recipient may use to indicate they want to end a call include: 'sorry, I'm not interested', 'I'm on the Do Not Call Register', 'now is not a good time', 'I can't afford it' and 'I don't want to receive these types of calls'.

Tips to comply with Australia's telemarketing rules

1. Regularly wash your telemarketing lists

This is the only way to ensure you don't call numbers listed on the Do Not Call Register (unless you have permission or are exempt). Instructions on how to wash your call lists are on page 3.

2. Get and record permission to make telemarketing calls

You can call numbers on the Do Not Call Register if you have permission. Keep records, because you need to be able to provide evidence to the ACMA if asked. If someone asks to be removed from your list, do so immediately. More details are on page 2.

3. Only call at permitted times and provide the required information

Remember, permitted calling times are for the time zone where the call is received, not made. Make sure you say who is calling and why, and that Calling Line Identification is displayed. More details are on pages 4 and 5.

4. Check in with your outsourced providers

If you use a third party for your telemarketing (including overseas), you are still responsible for complying with the rules. Make sure:

- you have an agreement that includes compliance with Australia's telemarketing rules
- you check they are washing call lists, and give you washing receipts
- records of permission are kept and you can access them
- to check the time zone.

If in doubt, you may wish to consider washing call lists yourself, even if you've purchased them from a third party. Remember, the penalties for breaching the rules can be very serious.

Learn more about the rules or create an account.

Do Not Call Register Contact Centre
1300 785 749
Monday to Friday, 10:00am to 3:00pm AEST/AEDT, excluding national public holidays.
donotcall.gov.au

Australian Communications and Media Authority
acma.gov.au