

First Do Not Call Register investigation follows repeated warnings

In its first formal investigation under the *Do Not Call Register Act 2006*, ACMA is investigating Lifestyle Dynamics following numerous complaints from people who are listed on the register about continuing to receive calls from the company.

Despite repeated written warnings from ACMA, Lifestyle Dynamics has continued to be the subject of consumer complaints, with more than 90 complaints received.

ACMA Chairman Chris Chapman said that, while the overwhelming majority of companies have stopped making unsolicited telemarketing calls, ACMA will act on continuing anti-compliance. The Do Not Call Register Act carries significant penalties. The investigation is likely to be complex and may take some time—ACMA will not make further comment until the investigation is completed.

The Do Not Call Register is an Australian Government initiative that provides Australians with the opportunity to opt out of receiving telemarketing calls, by placing their telephone numbers on the register. In general, apart from some limited exemptions, it is against the law for unsolicited telemarketing calls to be made to a registered number unless there is consent to call. Since it commenced on 31 May 2007, there have been more than 1.76 million registrations.

ACMA has worked with industry to build compliance with the new scheme, initially writing to 259 businesses that had been the subject of complaints, warning them of their new obligations and advising them of the penalty provisions for non-compliance.

Within four weeks of being contacted by ACMA, 88 per cent

of the targeted businesses ceased to be the subject of consumer complaints. In the second wave of ACMA reviews, another 161 companies have been contacted. The chart underlines the success of this approach.

While the focus of ACMA's compliance approach is on systemic breaches, ACMA retains the discretion to decide to act more urgently on a case-by-case basis. ACMA has a range of enforcement options for ensuring compliance. These include issuing formal warnings, seeking enforceable undertakings, issuing infringement

notices imposing a pecuniary penalty and taking court action seeking the imposition of substantial fines, in excess of \$1 million. The action taken in any particular case will depend on the number and severity of breaches found as a result of an investigation.

More information about the Do Not Call register is on the ACMA website at www.acma.gov.au (go to For the public: Content & advertising > Telecommunications: Do Not Call Register – Information for the public). To register, go to www.donotcall.gov.au or telephone 1300 792 958.



Do Not Call Register

WIRELESS ACCESS SERVICE LICENCES IN 1900–1920 MHz band for regional and remote Australia to be auctioned

ACMA has invited applications for an auction of spectrum in the 1900–1920 MHz band, to be used for fixed (point-to-multipoint) apparatus licences for wireless access services in regional and remote areas of Australia, increasing opportunities for broadband wireless access deployment in those areas.

ACMA is re-allocating spectrum that was originally made available in 2005. If demand exceeds supply, allocating the licences by open-outcry auction will ensure fairness, as well as efficient use and allocation of spectrum.

Rollout obligations on the licences are designed to enable timely delivery of broadband wireless access services. Once the licence is allocated, the service must commence within two years.

The 1900–1920 MHz band is divided into four 5 MHz-wide channels and licensees will not be assigned more than 10 MHz in the same area. This limit will include any existing wireless access service licences. Apparatus licences are not available in all areas because the 1900–1920 MHz frequency band is currently subject to spectrum licensing arrangements in metropolitan and some regional areas.

Subject to frequency coordination and other technical requirements, the services will be issued with fixed (point-to-multipoint) licences, which in this band are to be used for broadband wireless access purposes and will be subject to rollout goals attached to licences. Compliance with these goals will be monitored primarily at the time of licence renewal and will constitute one of the matters that ACMA will consider when deciding whether to renew the licence.

Applications for the licences close at 11.00 am on Wednesday, 26 September 2007. An applicant information package is on the ACMA website at www.acma.gov.au (go to For licensees & industry: Licensing & regulation > Radiofrequency spectrum: Radiocommunications licensing > Spectrum licensing, auctions & trading > Wireless Access Services in the 19 GHz band).