

Three-step approach leads to increase in Do Not Call Register compliance

Earlier this year, ACMA established a Telemarketing Investigations section to manage compliance activities associated with the Do Not Call Register, which came into effect on 31 May 2007.

Nearly 4,000 complaints were received during the first month of the Do Not Call Register's operation, but complaints have now levelled out at around 2,600 a month. Figure 1 provides a breakdown of complaints by type of business complained about.

To protect consumer interests and reduce unwanted telemarketing calls, ACMA has adopted a three-step approach to compliance:

- **Advise**—ACMA's focus on writing to all identified businesses that are the subject of complaints and advising them of their obligations under the legislation has been a major contributing factor to the decline in complaint numbers. This action has prompted non-compliant businesses to review their activities, including taking action to open accounts with the Register Operator to check their numbers against the Do Not Call Register.

- **Warn**—where a business fails to respond adequately to ACMA's initial advice, or where complaint numbers are such as to warrant more immediate action, a warning letter is sent informing the recipient that ACMA will initiate a formal investigation if it continues to receive complaints about the business following a nominated cut-off date. The warning provides another chance for the business concerned to put its processes in order and cease calling numbers that are on the Do Not Call Register.
- **Investigate**—where the measures outlined above do not have the desired effect of achieving compliance with the regulatory arrangements, ACMA initiates a formal investigation under the *Telecommunications Act 1997*. Approximately 20 investigations have been initiated and some will be completed early in 2008.

This approach has proved effective—compliance by businesses that receive a warning has increased by 70 per cent (see Figure 2).

However, ACMA also receives complaints about telemarketing calls made to consumers by 'fly-by-night' businesses or 'scammers' that have no formal legal identity or contact details. These scams may originate overseas and may be the subject of interest to other regulators. ACMA is working closely with overseas and Australian regulators to deal with these types of calls

and reduce scam activities.

ACMA is also working with the telemarketing industry to increase its understanding of industry practices and is developing guidelines on 'best practice' activities.

Information sheets about the Do Not Call Register are 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.

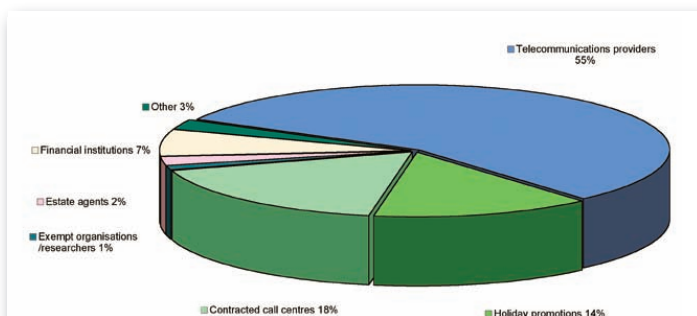


Figure 1: Number of complaints by company type

Figure 2: Number of companies with complaints against them – before and after warning

