

# First Do Not Call Register court penalty against telemarketer

The Federal Court has found that FHT Travel Pty Ltd and its sole director, Yvonne Earnshaw, breached the *Do Not Call Register Act 2006* by making, or causing to be made, more than 12,000 marketing calls to people who had placed their telephone numbers on the Do Not Call Register.

The court ordered FHT Travel to pay a civil penalty of \$120,000 and granted injunctions restraining both FHT Travel and Ms Earnshaw from making certain telemarketing calls, without first notifying the ACMA, for a period of five years.

‘This case and the penalty imposed should remind telemarketers of the serious consequences of breaching the Do Not Call Register Act,’ said ACMA Chairman Chris Chapman. ‘Telemarketers must respect the choice of people who have opted out of receiving their calls.’

The Act generally prohibits the calling of registered numbers for marketing purposes. Since the Do Not Call Register commenced in May 2007, the ACMA’s investigations have resulted in payment of nine infringement notices to the value of \$438,300.

In addition, 18 undertakings, enforceable in the Federal Court, have been accepted and the ACMA has issued 10 formal warnings.

People can opt out of receiving unsolicited telemarketing calls and marketing faxes by calling 1300 792 958 or visiting [www.donotcall.gov.au](http://www.donotcall.gov.au). Complaints about telemarketing calls and marketing faxes can be made the same way. ☎

## Marine radio certification services – request for tender

The ACMA has invited tenders from bodies interested in providing marine radio certification services on its behalf.

Since 2002, the ACMA has delegated the power to issue marine radio operator certificates of proficiency, and outsourced the relevant statutory and administrative functions. The ACMA intends to continue the process of delegation to ensure that the certification services are delivered efficiently and effectively to the Australian marine community by subject matter experts in both education and marine radio.

The ACMA is seeking a provider to act as its delegate to issue marine radio operator certificates of proficiency nationally. These certificates are:

- > Marine Radio Operator’s Certificate of Proficiency (MROCP)
- > Marine Radio Operator’s VHF Certificate of Proficiency (MROVCP)
- > Marine Satellite Communications Certificate of Endorsement (MSCCE).

The delegate will be required to provide the following goods and services for these qualifications:

- > marine radio operator qualification certification services, including examinations and the issue of certificates of proficiency to suitably qualified applicants
- > administrative services pertaining to certification services
- > handbooks outlining the relevant and learning requirements for the certification process.

The delegated arrangements will operate under a cost recovery model, whereby the full cost of providing the services covered under the deed of agreement is recovered by the delegate from the recipients of the services.

The current arrangement expires on 31 July 2012. The deed of agreement covering this new arrangement will be put in place for an initial five-year period starting on 1 August 2012.

The tender was issued on Wednesday 8 June 2011, with a closing date of **2.00 pm, Monday 1 August 2011**.

The details of the tender are available on the AusTender website at [www.tenders.gov.au](http://www.tenders.gov.au). ☎