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Via email: Louise.Courtney@communications.gov.au

**Re: Do Not Call Register Regulations 2006**

ACCAN thanks the Department of Communications and the Arts (the Department) for the opportunity to provide feedback on whether the *Do Not Call Register Regulations 2006* (the Regulations) continue to play a valuable role in relation to telemarketing. ACCAN believes that the Regulations continue to play an important role, but that certain amendments should be considered.

*Restrictions on the frequency and amount of calls*

ACCAN submits that the Regulations should be amended to limit the amount of times an organisation can call someone on the DNCR within a certain time period, unless there is good reason to make multiple calls (i.e. following up on a reported fault with a service) or unless the recipient has explicitly consented to receiving multiple calls. This restriction should also extend to those people and organisations exempted under Schedule 1 of the Act. This will prevent consumers getting multiple calls on the same topic or from the same charity, political party, or other organisation or individual.

*Definition of the timeframe in which a call is permitted*

 ACCAN has concerns that section 7 of the Regulations (*Solicited calls)* does not define in clear enough terms the timeframe in which a call can be made after the original inquiry or request from the customer. Section (7)(d) requires that “the call is made within a reasonable time after the inquiry, order or request…” however the examples do not give any indication of what is a reasonable timeframe. This vagueness can lead to issues when telemarketers claim they have a relationship with a customer even when the request is no longer current or valid. ACCAN suggests that the examples are amended to include examples of reasonable timeframes.

*Other issues for potential review: political and charity calls*

Although out of the scope of your request for feedback on the Regulations, ACCAN believes the ways in which calls are made by organisations exempt from the Act should also be reviewed.

As per Schedule 1 of the *Do Not Call Register Act 2006* (the Act) calls that are authorised by political parties, Members of Parliament, or parliamentary candidates can be deemed ‘designated telemarketing calls’. However, the legislation does not restrict the use of pre-recorded calls or ‘robo-calls’ being made to numbers on the DNCR. This issue was made apparent during this years’ election campaign when political parties were able to contact consumers who had unlisted numbers and were on the DNCR. At the time Prime Minister Malcolm Turnbull stated that robo-calls are a potential electoral reform issue, following the SMS that was sent to voters on election night, allegedly from Medicare.[[1]](#footnote-1)

To ACCAN, two of the major issues with pre-recorded calls are:

* For the most part they do not allow the recipient to object or ask for their number to be removed from any list (the only option being to hang up). Consumers should be able to reject calls, ask questions, and request that they are not contacted again.
* They generally do not provide information as to who they were authorised by, as political television advertisements do. This means recipients may find it difficult to contact the authorising party and to have their number removed from any lists.

In addition to tightening restrictions on pre-recorded calls, ACCAN suggests a review of whether or not political marketing calls should be exempt from the provisions of the Act at all. It is arguable whether in 2016 the exemption is still justifiable given the broad access to multiple information sources that consumers have today, and consequently the vast range methods available to communicate messages to them.

Calls from charities can also be deemed as designated telemarketing calls under Schedule 1 of the Act. Charities have also been known to use pre-recorded messages to contact consumers on the DNCR. ACCAN is of the view that they should not be allowed to do so on the same grounds as those given above.

It should also be noted that the primary motivation for charity calls is financial. This presents a risk for more vulnerable consumers, and in particular older people, who may feel pressured or coerced into donating money that they otherwise would not have. ACCAN is concerned that telemarketers could target vulnerable consumers on behalf of charities to increase their donations.

ACCAN is not opposed to the charity exemption, but believes that the methods charities are legally allowed to use to fundraise over the telephone must be reviewed. In the UK a new law was introduced to target aggressive charity fundraising, meaning that charities must state in their contracts how they will protect vulnerable people.[[2]](#footnote-2)

Thank you again for giving ACCAN the opportunity to comment on the Regulations. If you would like to discuss our feedback please don’t hesitate to contact us.

Yours sincerely,



Jeremy Riddle

Policy Officer

1. http://www.abc.net.au/news/2016-07-12/how-did-political-parties-get-your-unlisted-phone-number/7586842 [↑](#footnote-ref-1)
2. http://www.bbc.com/news/uk-33490964 [↑](#footnote-ref-2)