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Australian Communications and Media Authority

PO Box 78

BELCONNEN ACT 2616

haveyoursay@acma.gov.au

ACCAN thanks The Australian Communications and Media Authority (ACMA) for the opportunity to respond to the Remaking the Fax Marketing Industry Standard 2021 Consultation Paper.

We understand that the Fax Marketing Industry Standard 2011 will sunset on 1 October 2021, and that the Telecommunications Fax Marketing Standard 2021 replaces the 2011 instrument with only minor and technical changes.

We agree with the ACMA that despite technological changes in marketing practices since the standard was first introduced, certain sectors of the Australian economy continue to use fax marketing to secure business, and a Standard is still needed to control unsolicited fax marketing practices.

Question 1 - Do you consider that the Standard is operating effectively and efficiently?

ACMA's compliance data indicates that the Standard is effectively addressing the community's original concerns, and that only 146 complaints about potential breaches have been received since the Standard was introduced in 2011, and only 30% of those complaints have been since 2014.

Based on this information, and the dramatic drop in consumer complaints since the 2011 Standard was first introduced, we agree with the ACMA that the 2011 Standard is operating effectively and efficiently in protecting consumers.

Question 2 - Should the Standard be amended to permit fewer or a greater number of faxes to be sent in a single period?

Given the limited details provided by complainants as part of the ACMA compliance data, it is difficult to provide a response which accurately comments on the number of faxes sent in a single period and if the Standard needs amendment. However, it can be inferred from the dramatic drop in complaints that the Standard is successfully providing consumer protections and does not require amendment in this regard.

Australian Communications Consumer Action Network (ACCAN)

Australia's peak body representing communications consumers

PO Box 639, Broadway NSW 2007

Tel: (02) 9288 4000 | Fax: (02) 9288 4010 | Contact us through the [National Relay Service](#)

Question 3 - Should the prohibited sending times for faxes be amended?

ACCAN understands that the times when it is prohibited to send faxes are aligned with the telemarketing industry standards across the various state and territories, and that ACMA has consulted with bodies in those states and territories and no additional changes have been proposed. On this basis, we submit that no additional changes are needed to the prohibited sending times for faxes.

Question 4 - Do you consider that any other changes should be made to the Standard?

No. We agree with the ACMA that the 2011 Standard continues to form a necessary and useful part of the legislative framework and, given the effectiveness of the Standard in reducing fax marketing spam since its introduction in 2011, ACCAN has no additional changes to propose.

We agree with the ACMA that the protections provided by the Fax Marketing Industry Standard 2011 should be included in the replacement 2021 Standard, with only minimal technical and drafting changes.

Sincerely

Stephanie Whitelock

Policy Officer