

The Director
Consumer Policy and Privacy
Department of Broadband, Communications
and the Digital Economy
GPO Box 2154
CANBERRA ACT 2601

DNC.consultation@dbcde.gov.au

Dear Director

AANA Submission: Do Not Call Register Statutory Review

The Australian Association of National Advertisers (AANA) is pleased to provide a response to the *Discussion paper: Do Not Call Register Statutory Review* dated October 2009.

AANA is the peak body of the Australian advertising and marketing communications industry, representing the interests and obligations of responsible advertisers across all business sectors for over 80 years. AANA advocates continuous improvement in commercial communication practice, and promotes and protects freedom of commercial speech.

AANA acknowledges the success of the Do Not Call Register since its establishment in 2007.

Specific Comments

3.1 Opt-out

AANA strongly supports the continuation of an opt-out approach. AANA concurs with the Discussion Paper in that it considers that an opt-in approach would have significant adverse impacts on business. Although there are identified areas for potential improvement with the current scheme, an opt-in approach would be likely to result in an unduly constrained and burdensome environment for commercial operations.

3.2 Consent

AANA supports clarity in any regulatory framework for the benefit of the commercial sector as well as consumers. The inclusion of definitions for types and circumstances of consent is supported. In conjunction with an education/awareness raising campaign this would improve the understanding of the do not call scheme and empower individuals to maintain or withdraw their consent at any time. AANA believes that all parties, including individuals, must be proactive in ensuring the success of the scheme.

3.3 Registration period

AANA supports the current three-year expiry period for registrations of telephone numbers. AANA considers that improved consent provisions and an education initiative will assist in ensuring the register remains current.

3.4 Exemptions

AANA recognizes that the organizations currently exempt from the Act do not have a comparable basis on which to establish customer/client relationships to that of commercial operations. However, AANA also recognizes the concerns of individuals in receiving unwanted calls.

AANA suggests that if the current exemptions are maintained that, except for research calls, express consent from individuals should be required by the telemarketer to continue with the call or for the individual to remain on a list for future calls. Given that many charities, for example, are sophisticated operations AANA considers that this requirement would add an element of education regarding those organizations exempt from the current scheme as well as facilitating individuals to exercise choice in whether to accept these calls or not; a choice that can be exercised by participating in the do not call scheme.

3.5 Research calls

AANA supports the inclusion of a definition for 'research calls' in the Act. This would provide consistency with the approach for other current exemptions.

4.5 Industry codes and standards

4.5.1 – AANA, in principle, considers that codes and standards should apply to the business undertaking telemarketing regardless of who makes the call. AANA notes that the ACMA will be undertaking a review of the Industry Standard and will provide comment on the Standard in a future consultation surrounding that standard.

4.5.3 - AANA does not support any developments that would require telemarketers to keep mandatory records of calls they make, including internal do not call lists. AANA notes that the Discussion Paper provides no information relating to failure of the current arrangement (best practice guideline) or rationale for the need for record keeping to be underpinned by legislation.

AANA, in principle, supports development of improvements in relation to silent and missed call marketing.

Yours sincerely



Scott McClellan
Chief Executive Officer

4 November 2009