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### **AANA Submission: Developing an industry standard for the fax marketing industry**

The Australian Association of National Advertisers (AANA) welcomes the opportunity to provide comment on the above June 2010 consultation document.

AANA, the peak body for over 80 years, represents the common interests and obligations of companies across all business sectors involved in the advertising, marketing and media industry. AANA also serves to protect the rights of businesses and consumers in ensuring advertising and marketing communication is conducted responsibly, through its development and administration of industry codes and the self-regulatory system.

Advertising and marketing plays a fundamental economic role in society. It is the driver of consumer choice and, by promoting competition, helps consumers get better value for money. It enables innovation to be brought to market and stimulates economic growth and jobs. It provides substantial funding to support media and a variety of media content. The advertising, marketing, and media industry contributes in excess of \$30 billion to the Australian economy annually.

AANA provides the following initial comments to inform the development of a draft industry standard for fax marketing. We understand that further consultation on the draft standard will follow and look forward to providing further comment in the coming months.

#### **Specific Comments**

- a) *The hours and/or days during which marketing faxes should be permitted to be sent or attempted to be sent under the proposed standard.*

AANA understands that regulating the times for sending faxes is a largely unique Australian regulatory requirement. For example, both the US and EU do not address this matter in their respective regulatory schemes.

AANA recognizes that there is unlikely to be 'standard' times that would be uniformly welcomed by the Australian commercial sector. Different sized businesses, types and nature of businesses will determine the best requirements for the circumstances in order to not affect productivity and add costs.

For example, a small retail business may not wish their phone/fax line 'tied up' during business hours; a large business that conducts business overseas may await business faxes out of business hours where different time zones are involved.

AANA suggests that the draft standard deal with this issue to provide maximum flexibility and allows for specific timing issues to be addressed elsewhere eg through industry codes.

b) *The nature and extent of information that a marketing fax should contain about the fax marketer or about the person who caused the fax to be made.*

AANA suggests that the mandatory information be limited to that which identifies the fax marketer eg business or individual name, the fax number the fax was sent from and another contact detail eg phone number, website (with contact details) or email (latter may overlap with opt out, refer d) below). AANA considers that the content of the marketing fax in addition to the aforementioned information should generally be sufficient for the fax recipient to identify the marketer.

c) *The number of marketing faxes that should be permitted to be sent, or attempted to be sent by a fax marketer during a particular period to a particular Australian number.*

AANA considers that this matter will also depend on the nature of the business being conducted and that a set number of faxes cannot and should not be identified in the standard.

d) *The type of information which should be provided to a consumer to allow them to opt out of receiving faxes from a fax marketer and the form this information should take.*

AANA recommends that the standard make provision for opt out information that:

- is clearly noticeable on the first page of a fax;
- states how the fax recipient may request not to receive further faxes and the timeframe in which the request will be actioned. This is consistent with the do not call (phone) requirements that acknowledge time needed to effect administrative action eg 30 days.
- includes a contact point (refer above) eg telephone or fax number, email and/or web address.

Yours sincerely



Scott McCellan  
Chief Executive Officer

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