

Committee Secretary
Senate Standing Committees on Legal and Constitutional Affairs
PO Box 6100
Parliament House
Canberra
ACT 2600

9th July 2012

For the attention of the Senate Legal & Constitutional Affairs Legislation
Committee

**Re: Inquiry into the Privacy Amendment (Enhancing Privacy Protection)
Bill 2012**

Remington Direct is writing in support of the submission made by the
Australian Direct Marketing Association.

Remington Direct is a direct marketing list broker established in 2004. We
supply personalised privacy compliant direct marketing lists to companies who
aim to grow their business through sending relevant offers to a targeted
audience.

We agree to the issues and recommendations outlined in the submission
made by the Australian Direct Marketing Association on behalf of the
marketing and advertising community. In particular:

- **Prohibition on direct marketing:** We share concern that the inclusion
of a “prohibition on direct marketing” will cause considerable confusion
with our clients as to whether direct marketing is permitted or not. This
will have a direct, financial and reputation effect on our business.

The awareness and comprehension of the various forms of direct
marketing regulation within Australia varies greatly. Some of our clients
are well versed while there are others unfamiliar with SPAM Act for
example, especially small business owners.

Through ‘prohibiting’ direct marketing, some of our current clients will
interpret this as meaning they can never use direct marketing again.
Even more concerning is that potential clients will simply not call us in
the first place.

Regularly we will have to re-assure clients that they can still legally
conduct DM provided certain conditions are met. This is not an ideal
way to start a relationship with a new client.

This decision would unquestionably cost many jobs within our industry
plus within companies who use direct marketing to grow their business.

The general public will be surprised when they continue to receive direct mail (after prohibition) and will complain to these companies who have in fact obeyed the law in sending direct mail with an opt-out.

When it comes to direct marketing, Politicians mainly hear from constituents who dislike it. For every one of these people, there are thousands who either like it, have no issue with it or have a job as a result of it (in the DM sector itself or an organisation using DM).

Direct marketing is the only marketing channel where Australians can already opt-out from a specific company and put their home phone on the Do Not Call Register (government phone, emergency service phone and fax numbers also). They can also put their mailing address on the ADMA Do Not Mail File and only receive advertising emails after opting-in.

Even in countries with stricter privacy regimes than Australia, none have decided to 'Prohibit' Direct Marketing.

We therefore support the removal of the term 'prohibition' on direct marketing and agree to ADMA's recommendation that the wording revert to the positive.

- **Fines and penalties:** We also request clarification around fines and penalties. Being a company that is subject to the Privacy Act it is essential that we have an understanding of the potential extent of fines and penalties for our risk assessment purposes.

Despite the Government's best efforts to educate, there are likely to be companies who don't read the literature or realise it applies to them.

In light of this we would support an initial warning before a company incurs a monetary fine.

If you would like further information or detailed examples of how the new proposed privacy provisions will impact on our customers please do not hesitate to contact me.

Yours sincerely

Simon Remington
Managing Director
Remington Direct