

Committee Secretary
Senate Standing Committee on Environment and Communications
PO Box 6100
Parliament House
CANBERRA ACT 2600

ec.sen@aph.gov.au

TELECOMMUNICATIONS LEGISLATION AMENDMENT (CONSUMER PROTECTION) BILL 2013 (PROVISIONS)

In relation to the Committee's inquiry into the above legislative amendments, the Association for Data-driven Marketing (ADMA) makes the following comment on the proposed changes to the *Do Not Call Register Act 2006* and Part 6 of the *Telecommunications Act 1997*.

Do Not Call Register Act 2006

The purpose of the amendment is to clarify the meaning of 'cause' in relation to a party responsible for making telemarketing calls or sending marketing faxes. We understand that the amendment aims to correct a potential failure of the legislation to ensure that a company cannot evade responsibility for compliance with the DNCR, using third parties (located overseas) to carry out marketing activities on their behalf in Australia.

ADMA supports the amendment which will ensure that all marketers using this channel of marketing communication do so on an equal basis.

Telecommunications Act 1997

ADMA supports the amendments aimed at streamlining the process for developing and amending industry codes under Part 6 of the Act but requests that the Committee seek clarification on one point.

Under the legislation it is proposed to require code developers to publish on their websites any submissions received from industry participants and members of the public about the draft code or draft variations.

The issue of responsibility for material on websites is currently the subject of debate. ADMA requests that the Committee seek clarification that the ACMA has the discretion to provide an exemption from that requirement in the case of submissions which are defamatory, obscene or contain other material which if published may cause harm to the organisation legally responsible for the website.

Kind regards,

David Simon
Head of Policy and Regulatory Affairs – ADMA
Level 6, 50 Carrington Street
Sydney NSW 2000