

Senate Standing Committee on Environment and Communications

Answers to Senate Estimates Questions on Notice

Budget Estimates May 2017

Communications Portfolio

The Australian Communications and Media Authority

Question No: 165

The Australian Communications and Media Authority

Hansard Ref: Written, 02/06/2017

Topic: Telemarketing Complaints

Senator Griff, Stirling asked:

1. Please provide the number of telemarketing complaints received in the financial year to date.
 - (a) What proportion of telemarketing complaints were regarding breaches of the Do Not Call Register (please provide for 2015-16 and YTD).
2. What proportion of complaints were regarding telemarketing calls from charities and other bodies which are EXEMPT from the Do Not Call Register?
 - (a) Please provide a breakdown of the nature of these complaints
3. How many of the nine investigations launched last financial year were to do with breaches of the Do Not Call Register?
4. How many investigations into telemarketing complaints have there been this financial year to date?
 - (a) How many of these were to do with breaches of the Do Not Call Register?
5. What was the total of fines levied for breaches of the Do Not Call Register in 2015-16, and what is the total for the financial year to date?
6. In 2013, you released your report “Unsolicited telemarketing calls and spam: Consumer experiences”. Has there been any follow up work to this report or are there plans for further research or a follow up survey?
 - (a) That report showed that about one third of respondents got calls from charities, educational or religious organisations once a week or more. The majority of people considered these calls a problem to some degree. Is it ACMA’s understanding that this is still the case?

Answer:

1. The Australian Communications and Media Authority (ACMA) has received 24,555 complaints about telemarketing between 1 July 2016 and 31 May 2017.
 - (a) Telemarketing complaints regarding potential breaches of the *Do Not Call Register Act 2006*:

2015-16		2016-17 YTD (31 May 2017)	
No. of complaints about a potential breach of the <i>Do Not Call Register Act 2006</i>	% of complaints about a potential breach of the <i>Do Not Call Register Act 2006</i> from total telemarketing complaints	No. of complaints about a potential breach of the <i>Do Not Call Register Act 2006</i>	% of complaints about a potential breach of the <i>Do Not Call Register Act 2006</i> from total telemarketing complaints
18,265	79.34%	15,148	61.69%

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2. Telemarketing calls from certain bodies are designated exempt from the *Do Not Call Register Act 2006*:

- (a) registered charities
- (b) government bodies
- (c) registered political parties, independent MPs and political candidates
- (d) educational institutions that contact students or former students.

However calls by or on behalf of these bodies must follow the rules set out in the *Telecommunications (Telemarketing and Research Calls) Industry Standard 2017*.

Nature of complaint	No. of complaints 2015-16	%	No. of complaints 2016-17 YTD (31 May 2017)	%
Charities	833	3.62%	886	3.61%
Government bodies	5	0.02%	3	0.01%
Political parties, independent members of parliament, candidates etc.	152	0.66%	79	0.32%
Educational institutions	2	0.01%	2	0.01%
Market Research ¹	1,126	4.89%	1,219	4.96%
All other tele and fax marketing, e.g. business	20,941	90.81%	22,366	91.08%
Total complaints	23,059		24,555	

1. Market Research is not telemarketing and therefore not covered by the *Do Not Call Register Act 2006*, however market research calls are covered under the *Telecommunications (Telemarketing and Research calls) Industry Standard 2017*.

3. A total of eight investigations into both the *Do Not Call Register Act 2006* and *Telecommunications (Telemarketing and Research Calls) Industry Standard* were finalised in the 2015-16 financial year. Six of these concerned alleged breaches of the *Do Not Call Register Act 2006*.
4. In the current financial year, the ACMA has finalised one investigation under the *Do Not Call Register Act 2006*, and a further three are in progress.
5. The total amount of infringement notice penalties issued by the ACMA in 2015-16 was \$37,400. In addition, the Federal Court ordered penalties of \$150,000 against a company, and \$12,500 against the company's director, for breaches of the *Do Not Call Register Act 2006*. There are no finalised penalties to date in the 2016-17 year.

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6. The ACMA conducted quantitative research in August 2016 to update understanding of the consumer experience of telemarketing calls in Australia. A report titled *Telemarketing calls in Australia – Consumer experience research* was published in March 2017. It indicates that the overall incidence of consumers receiving telemarketing calls – and the particular call types – remains consistent with that reported in 2013.

The report is available at:

<http://www.acma.gov.au/theACMA/Library/researchacma/Research-reports/telemarketing-calls-in-australia-consumer-experience-research>