

Committee Secretary
Senate Standing Committee on Environment, Communications and the Arts

By email: eca.sen@aph.gov.au

9 February 2010

Re: Do Not Call Register Legislation Amendment Bill 2009

Thank you again for the opportunity to give evidence at the Senate inquiry into the *Do Not Call Register Legislation Amendment Bill 2009* last week.

ACCAN's appearance before the Inquiry highlighted the 2 key proposals from our written submission: that registrations on the Do Not Call Register (DNCR) need to become permanent; and that the exemptions that currently exist should be removed so consumers can customise who they are contacted by to the greatest extent possible thanks to the new 'registered consent' opportunities.

We have further considered how our recommendations could be included into the Bill amendment, and propose the following amendments for your consideration:

Permanent registration

The *Telecommunications Numbering Plan 1997* (mandated in Section 455 of the *Telecommunications Act 1997*) requires that numbers disconnected from their owner go into quarantine for 6 months (12 months if this is due to nuisance calls) before they can be re-allocated to another customer (see Part 4). This number is returned to the telco that initially allocated the number to a customer.

A requirement that quarantined numbers be supplied to the DNCR operator and removed from the Register would be a highly efficient way of ensuring the DNCR remains up to date without creating any additional burden (this information must already exist due to the requirements of the Numbering Plan). It's a simple and straightforward solution that will help ensure the Register remains accurate, in the same way as other jurisdictions address the issue.

Recommendations:

- *Remove the 3 year re-registration requirement from DNCR Act – namely s17(1[b]) - so that registration remains ongoing. A provision to ensure existing registrants are afforded permanent protection must be incorporated, so that 4.2 million numbers aren't inadvertently exposed to telemarketers again.*
- *Add a new reporting requirement on Carriage Service Providers (CSPs) to provide ACMA with their quarantined number list (which must exist for them to comply with the Numbering Plan quarantine rules - this could tie in with other ACMA reporting requirements). Alternatively, the DNCR operator may be obliged to request information about quarantined numbers from CSPs.*
- *Add a new subsection 3 to the Do Not Call Register (Administration and Operation) Determination 2007 to require ACMA to report quarantined numbers to the register operator so they are removed as per the process under the 'Removal of ineligible numbers' under Section 8.*
- *Should re-registration requirements remain, then amend Section 10 of Do Not Call Register (Administration and Operation) Determination 2007 to require individual notification of expiration of registration – so that people are at least aware of the need to re-register. We also ask that the Committee seek and make publicly available:*
 - *Detail about ACMA's overall strategy for dealing with over 4.2 million DNCR registrations which fall due progressively*
 - *Detail about the cost of individual notification to re-register;*
 - *The budget for all DNCR re-registration activities to June 2010, including advertising, administrative costs of updating the website, staffing costs, printing, etc;*
 - *Estimates about the annual allocations for future re-registration promotion; and*
 - *Annual promotion and awareness raising campaigns about the DNCR (as distinct from re-registration processes).*

Removal of current public interest exemptions

The new "registered consent" proposal contained in the Bill will make exemptions for public interest entities obsolete. Australians should be able to freely nominate who they *DO* want to be contacted by - political parties, charities, etc - which the new "registered consent" classifications will allow. Removing the public interest exemptions will ensure policy consistency.

Recommendation:

- *Remove the “designated marketing calls” category from the DNCR Act which creates exemptions to the DNCR (political parties etc); new ‘registered consent’ requirements that will allow customisation of preferences and this should allow consumers the full range of potential telemarketing approaches.*

Should you require more information, please contact myself or Sarah Wilson, Campaigns and Community Liaison Officer, on 02 9288 4000.

Yours sincerely,

Allan Asher
Chief Executive Officer

Australian Communications Consumer Action Network