



Royal Institute for Deaf and Blind Children

Submission to the Senate enquiry into

The Do Not Call Register Bill 2006 and, The Do Not Call Register Consequential Amendments Bill 2006.

From the Royal Institute for Deaf and Blind Children

Royal Institute for Deaf and Blind Children (RIDBC)

RIDBC is a large charitable organization based in Sydney, providing educational services for deaf children and blind children. RIDBC's children's services are principally provided in NSW but are increasingly being provided Australia wide. Its professional development services have long had considerable national and international focus.

Currently there are 740 deaf or blind children involved in ongoing educational programs. In addition, during 2006, screening or diagnostic services will be provided to approximately 3,000 further children. Additionally, 140 teachers and therapists are enrolled in higher degree studies at RIDBC's Renwick College.

In 2005, RIDBC's operating expenditure on the direct provision of services was \$19.3 million. Government funding for those services was \$8.1 million, leaving a shortfall of \$11.2 million. Most of this shortfall was made up by a fundraising surplus of \$7.5 million. The remaining funds were received from fees, rentals, investment returns and sundry sources.

For RIDBC, the key to financial viability is its fundraising program. Of the \$7.5 million surplus generated by fundraising activities in 2005, \$2.1million, or 28% of it, came from RIDBC's telemarketed lottery sales program.

It is the ongoing viability of this lottery program and the children's services it funds, which is the motivation for this submission.

It is also of some note that the RIDBC telemarketing program is a significant employer of people. The program employs around 75 people occupying 45 full time equivalent positions.

The Do Not Call Register Bill 2006

RIDBC is broadly supportive of the Bill with the proviso that the charitable exemption remains intact.

RIDBC's submission in response to the DCITA Do Not Call Register Discussion Paper indicated that we supported the introduction of such a register. We further indicated that subject to certain conditions being met, we would even support a "no exemptions" approach to the proposed register.

However, some very significant requirements were not adopted by the framers of the Bill, and we withdraw our support for a no exemptions approach. In particular, we are concerned that the registration of phone numbers rather than individuals is an unsound approach. We believe that it will lead to considerable difficulties with the operation of the register. This was a central condition of our earlier support for a no exemptions approach. We believe that without charity exemptions, the Do Not Call Register as currently proposed, would have a disastrous impact on our ability to raise the necessary funds to deliver educational services to deaf children and blind children.

Despite, as a charitable organisation, being exempt from the requirements to adhere to the prohibitions outlined in Section 11 of the Bill, we still have some issues that we believe should be raised.

1. We propose that the register should be based on individuals opting out only on their own behalf and not on behalf of all users of a particular phone number. We support the position adopted by the Australian Direct Marketing Association and Fundraising Institute Australia on this issue.
2. We are concerned that the Bill does not make provision for an individual to make a binding request of a particular organisation that they make no further calls. This leaves a situation where the only remedy available to a person who objects to calls from a particular organisation is to opt out of calls from all organisations. We propose that such a provision be included and be binding on all callers, including those exempt from the provisions of Section 11.
3. We are also concerned with Section 13(6), which for the purposes of the Privacy Act, declares the primary purpose of the register to be to facilitate the prohibitions under Section 11. We are concerned that this may preclude the operators of the register from granting access to the register's information to organisations exempted from the Section 11 requirements, but seeking to voluntarily respect the wishes of people who have placed themselves on the register.

The Do Not Call Register Consequential Amendments Bill 2006

Section 36 of this Bill seeks to amend the Telecommunications Act 1997 to insert a section 125A requiring ACMA to establish industry standards covering five specific matters relating to activities undertaken by the telemarketing

industry. We are concerned that prior to establishing such standards, ACMA be required to consult the industry and identify contemporary practice.

Summary

The Royal Institute for Deaf and Blind Children supports the introduction of a Do Not Call Register with the proviso that charitable organisations are excluded from the prohibitions outlined in Section 11 of the Bill.

We have expressed some concerns which, if addressed, will go some way towards ensuring that the register and its associated activities will achieve the desired goal.

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