

24 January 2014

The Director
Cloud Computing and Privacy
Department of Communication
GPO Box 2154
CANBERRA ACT 2601

By email: DNC.consultation@communication.gov.au

Dear Sir/Madam,

Do Not Call Register - Registration Period

About Consumer Action

Consumer Action is an independent, not-for-profit, campaign-focused casework and policy organisation. Consumer Action offers free legal advice, pursues consumer litigation and provides financial counselling to vulnerable and disadvantaged consumers across Victoria. Consumer Action is also a nationally-recognised and influential policy and research body, pursuing a law reform agenda across a range of important consumer issues at a governmental level, in the media, and in the community directly.

Our Submission:

We support removing the registration period for the Do Not Call Register (**the Register**) so that registration is indefinite (**Option Three** in the Discussion Paperⁱ). Customers actively opt out of unsolicited marketing by registering. This decision should not be limited by an expiry date.

As the discussion paper explains, the original rationale for a limited period of registration was to prevent inaccuracies as consumers change phone numbers without removing the old number from the register.ⁱⁱ But this is now less of a concern as landline use continues to fall, and mobile numbers are fully portable.

If the registration period is limited (as in **Options One** and **Two**), the customer need to be continually vigilant to ensure that their number remains on the register. This would be a particular concern if the period were only three years as in Option 1. It means that unless the customer is particularly alert, they will likely have periods of time where they have not reregistered after the expiry of the registration period, and will receive marketing. This is despite the customer making a clear statement by originally going on the register that they do not want this to be the case. If customers have signed up to the Register, it seems clear that their intention is likely to be that they wish to stay on the register.

In the long term, the register should be redesigned to operate the same way as the *Spam Act 2003* (Cth), so consumers cannot receive marketing unless they 'opt-in' to receive it, rather than

Consumer Action Law Centre

Level 7, 459 Little Collins Street Telephone 03 9670 5088
Melbourne Victoria 3000 Facsimile 03 9629 6898

info@consumeraction.org.au
www.consumeraction.org.au

the current Do Not Call system where consumers are assumed to want marketing unless they opt out. The Department of Communications points out in its discussion paper that at the current rate of registration, it is possible that the majority of households will be registered.ⁱⁱⁱ So, it makes sense to have an opt-in model for unsolicited marketing calls, rather than an opt-out model like the Do Not Call Register.

Finally, in any case, where a customer does not want to remain on the register, they are able to deregister at any point. This ensures that people retain their right to choose whether they receive unsolicited marketing calls.

We thank you again for the opportunity to provide our views on these issues.

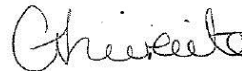
We look forward to receiving your response. Please contact Catherine Thwaite on 03 9670 5088 or at cathy@consumeraction.org.au if you have any questions.

Yours sincerely

CONSUMER ACTION LAW CENTRE



Gerard Brody
Chief Executive Officer



Catherine Thwaite
Policy Officer

ⁱ Department of Communications, *Optimal period of Registration on the Do Not Call Register: A discussion paper*, December 2013.

ⁱⁱ At page 7.

ⁱⁱⁱ *Ibid* .p 19.