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Submission to: Senate Standing Committee on Environment, Communications and the Arts

Do Not Call Register Legislation Amendment Bill 2009

Submission by the Australian Privacy Foundation

About the Australian Privacy Foundation

The Australian Privacy Foundation is the main non-governmental organisation dedicated to protecting the privacy rights of Australians. The Foundation aims to focus public attention on emerging issues which pose a threat to the freedom and privacy of Australians. Since 1987, the Foundation has led the defence of the right of individuals to control their personal information and to be free of excessive intrusions. The Foundation uses the Australian Privacy Charter as a benchmark against which laws, regulations and privacy invasive initiatives can be assessed. For information about the Foundation and the Charter, see www.privacy.org.au

General comments

The Australian Privacy Foundation supports the overall objectives of the *Do Not Call Register Legislation Amendment Bill 2009*. In particular, we support the expansion of the Register to cover business organisations, emergency services and fax numbers.

However, the Australian Privacy Foundation is concerned that the Bill does not address the urgent issue of the three year registration period for entries on the Register. We submit that this renewal requirement should be removed.

Business numbers

As we noted in our 2005 submission¹, it is undisputable that telemarketing aimed at businesses and organisations, rather than at consumers, also can be a problem. This is perhaps particularly true for small businesses or organisations, but may also be so in relation to larger corporations and organisations.

Consequently, where a corporation/organisation wishes to be included on the Do Not Call Register, their wish ought to be respected. This will also reduce the number of unnecessary calls made by telemarketing organisations to business that are unlikely to respond to the offer.

Emergency numbers

The Australian Privacy Foundation is alarmed that marketing calls are made to busy emergency services, and supports the expansion of the register to include emergency services numbers.

Fax numbers

The Australian Privacy Foundation notes that fax marketing is one of the most intrusive and unethical marketing practices in use today. The costs of equipment, paper and toner are borne by the recipient, and the practice also has a significant environmental impact. It is similar to spam in that the costs are largely borne by the recipient.

The Australian Privacy Foundation believes that unsolicited fax marketing should be banned or regulated on an opt-in basis (similar to the Anti Spam Act). In the interim, we support the expansion of the Do Not Call Register to include fax numbers, although we believe that the effectiveness of this measure should be closely monitored, with the eventual goal of banning the practice entirely.

Registration period

The three year life-span to registrations should be abandoned in favour of registration being effective until withdrawn or until such time as the phone number is given up or reassigned to a new person or business.

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¹ <http://www.privacy.org.au/Papers/DoCITADo-not-call0511.rtf>.