

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

Via email to: [DNC.consultation@communications.gov.au](mailto:DNC.consultation@communications.gov.au)

31<sup>st</sup> January 2014

**Re: Registration period on the do not call register discussion paper**

Dear Director,

EFA welcomes the opportunity to provide input into this review. Please find our submission on the following page. Please do not hesitate to contact me should you require any further information.

**About EFA**

Established in January 1994, Electronic Frontiers Australia, Inc. (EFA) is a national, membership-based non-profit organisation representing Internet users concerned with on-line freedoms and rights.

EFA is independent of government and commerce, and is funded by membership subscriptions and donations from individuals and organisations with an altruistic interest in promoting online civil liberties. EFA members and supporters come from all parts of Australia and from diverse backgrounds.

Our major objectives are to protect and promote the civil liberties of users of computer based communications systems (such as the Internet) and of those affected by their use and to educate the community at large about the social, political and civil liberties issues involved in the use of computer based communications systems.

EFA's website is at: [www.efa.org.au](http://www.efa.org.au).

Best regards



**Jon Lawrence**  
Executive Officer

## EFA Response

EFA believes, as a matter of principle, that unsolicited phone and fax marketing should be treated in the same manner as unsolicited email (spam).

As is noted in the Discussion Paper, the number of people that have chosen to register on the Do Not Call database continues to rise and will soon include the vast majority of all landlines in the country. In addition, it should be acknowledged that there is an increasing prevalence of households that do not maintain a landline telephone account at all, and are therefore (mostly) not listed at all in the telephone directory.

As the number of landlines continues to decrease, and the number of people registered on the Do Not Call database continues to increase, the universe of available numbers for telemarketing organisations to call will obviously decrease sharply. While this will likely cause some organisations to adjust their business models to this new reality (such as moving more into internet-based marketing activities), it is also likely to mean that the volume of calls received by those people who retain landlines and who have not registered on the Do Not Call database will increase accordingly. This is likely to have a disproportionate effect on certain groups of Australians, such as senior citizens and disadvantaged people, who may not enjoy the benefits of mobile phones and internet access, and who may not be well-informed about their ability to register on the Do Not Call list.

EFA strongly believes that this would be an entirely unsatisfactory outcome, that should be avoided as much as possible.

EFA therefore supports Option 4: remove the need to register, which would create an opt-in situation, as currently exists for email-based marketing.

EFA does, however, recognise that this would be a substantial departure from the current arrangements and would therefore require a transitional period, to allow organisations involved in phone and fax marketing to adjust.

In recognition of this, EFA would support Option 3: Extend the registration period to indefinite at this time, given an intention to move towards Option 4 in due course, and subject to appropriate further consultation.

EFA believes that, if Option 4 is to be adopted initially, organisations involved in phone and fax marketing should be compelled to provide an immediate opt-out system, via a keypad response, text response or similar. Organisations that do not comply with such opt-out systems should be subject to appropriate sanctions.