

**COMMUNICATIONS
ALLIANCE LTD**



**Department of Communications
Optimal period of Registration on the Do Not Call
Register**

COMMUNICATIONS ALLIANCE SUBMISSION
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INTRODUCTION

Communications Alliance welcomes the opportunity to provide this submission in response to the Department of Communication's Discussion Paper on the 'Optimal Period of Registration on the Do Not Call Register' (the Discussion Paper).

Communications Alliance contends that, subject to the development and use of an appropriate cleansing mechanism, registration on the Do Not Call Register (DNCR) should be indefinite. Indefinite registration would be optimal for customers – who would not need to re-register after a number of years – and also provide businesses with certainty that the preferences of current phone number account holders are accurately reflected in the DNCR.

However, Communications Alliance strongly asserts that failing the identification and implementation of an appropriate cleansing mechanism, then a three year registration period is most appropriate. While not optimal, there must be some way to refresh the DNCR on an ongoing basis.

Communications Alliance supports the use of the IPND as a tool to cleanse the DNCR. However we anticipate that there may be some issues in its application. As such, Communications Alliance requests that, subsequent to the completion of this consultation, we are involved in the development of any cleansing mechanism and its operation.

About Communications Alliance

Communications Alliance is the primary telecommunications industry body in Australia. Its membership is drawn from a wide cross-section of the communications industry, including carriers, carriage and internet service providers, content providers, equipment vendors, IT companies, consultants and business groups.

Its vision is to provide a unified voice for the telecommunications industry and to lead it into the next generation of converging networks, technologies and services. The prime mission of Communications Alliance is to promote the growth of the Australian communications industry and the protection of consumer interests by fostering the highest standards of business ethics and behaviour through industry self-governance. For more details about Communications Alliance, see <http://www.commsalliance.com.au>.

Options for the Registration Period on the Do Not Call Register

The Discussion Paper proposes four options for the registration period on the DNCR. Namely:

1. Reduce the period of registration to three years;
2. Retain the current eight year registration period;
3. Extend the registration period to indefinite; or
4. Remove the need to register.

Communications Alliance has considered the options proposed. In determining the most appropriate registration period, Communications Alliance had regard to: the need to maintain the accuracy of the DNCR; the needs of customers; the need to ensure the continued viability of the telemarketing industry; and the ongoing operational costs of maintaining the DNCR.

Maintaining the Accuracy of the DNCR

The rationale for limiting the period for registration corresponds to the need to maintain the accuracy of the DNCR. As the Discussion Paper highlights, the way the DNCR is managed currently means that, because phone numbers are recycled and re-issued, there are inaccuracies in the DNCR. As the Discussion Paper states, the extent of these inaccuracies has not been quantified¹. Limiting the length of registration and requiring customers to re-register is seen as a way to refresh the DNCR and ensure its accuracy.

Communications Alliance considers that developing a mechanism to maintain the accuracy of the DNCR is the fundamental issue to be considered. That is, if the DNCR is accurate and reflects the status of the current phone account holder, then the length of registration is inconsequential.

Communications Alliance contends that requiring customers to re-register is not the optimal way to maintain the DNCR's accuracy.

Reflecting the Needs of Customers

Communications Alliance concedes that, if a customer opts out of receiving telemarketing activity through registration on the DNCR, it is unlikely that this inclination will change at a future date. As such, requiring these customers to re-register after an arbitrary period of time has elapsed is likely to be inconvenient and an unwanted imposition.

If registration does elapse and these customers do start receiving telemarketing activity, it is likely to result in complaints, which is a sub-optimal outcome for all involved.

Ongoing Operational Costs of Maintaining the DNCR

With regard to the ongoing operational costs of maintaining the DNCR, the system is made more complex if the date of registration needs to be recorded, monitored and, upon expiry, customers notified that they must re-register. Additionally, educating customers of the need to re-register adds additional and unnecessary cost to the maintenance of the DNCR regardless of the period of finite registration. Communications Alliance anticipates the ACMA would need to substantially increase the scope and breadth of its educational campaigns when the first end period of finite registration is reached and contends that these costs would be better invested in maintaining the accuracy of the DNCR.

¹ Department of Communications, 'Optimal Period of Registration on the Do Not Call Register', December 2013, p8.

Recommendation that Registration is Indefinite – Subject to Ongoing Cleansing

On balance, Communications Alliance is of the view that registration on the DNCR should be indefinite. That is, if a customer chooses to register his or her details on the DNCR then they should not have to, after an arbitrary period of time, re-register their details.

However, Communications Alliance strongly contends that indefinite registration is only appropriate if the DNCR is accurately maintained and 'cleansed' on an ongoing basis. The logic of a shorter period of registration is to allay concerns that the telemarketing industry may have in relation to the accuracy of the DNCR. If these concerns can be addressed through a 'cleansing' mechanism then there is no need to retain an 'expiration' of registration.

Communications Alliance is of the view that indefinite registration – with an appropriate cleansing mechanism - will have numerous benefits, namely:

- customer satisfaction: customers who indicate their preference not to receive telemarketing calls will not be inconvenienced by needing to re-register after a particular number of years.
- businesses will benefit from the knowledge that the DNCR is up-to-date and will not waste resources contacting customers who object to receiving telemarketing calls.

If the DNCR is not cleansed – registration for 3 years is appropriate

As stated above, Communications Alliance's support of an indefinite period is dependent on the ability to cleanse the DNCR and ensure that it is accurate. If the outcome of the Review is that there is not an appropriate mechanism to cleanse the list, or it is not to be applied, then Communications Alliance will withdraw support for indefinite registration.

As stated above, a requirement to re-register is a sub-optimal mechanism. However, in the absence of the ability to cleanse the DNCR, we support a 3 year registration period.

Option 4: Remove the Need to Register – Impact on Businesses

Communications Alliance contends that the introduction of 'Option 4: Remove the Need to Register' will have a serious negative impact on the telemarketing industry. As noted in the Paper:

“Businesses relying on telemarketing and fax marketing would likely suffer from loss of revenue, which could result in job losses and reduced economic activity...There may also be a flow-on impact on to the broader economy because consumers may be less able to take advantage of opportunities they would otherwise become aware of...”

Communications Alliance considers this option is extreme and unnecessary.

While the ACMA has advised it currently holds up to 9 million fixed and mobile services in total (including inaccurate records as noted by the Department in its discussion paper) on the register, it has also found there are currently 31.09 million mobile service in operation and at least 6.68 million eligible fixed line telephone services in Australia². It could be reasonably inferred there is still a significant proportion of the population who are, at least, ambivalent about or, at most, happy to receive telemarketing calls from businesses.

² ACMA Communications report 2012–13 fast facts,
<http://www.acma.gov.au/theACMA/Library/Corporate-library/Corporate-publications/communications-report-fast-facts>

Consumers who do not want to receive telemarketing already have the option to opt-out. Further, consumers can also opt-out of receiving telemarketing from specific companies which provides additional individual choice. Communications Alliance contends that there is no real or perceived detriment, nor any logical reason, to implement large-scale change that will have a devastating impact on an industry. It is estimated that approximately 150,000 telemarketing workers could lose their jobs if this option was implemented³. Such a change will result in reduced revenue and significant job losses within the community and will result in no additional benefit for consumers.

Cleansing the Do Not Call Register

As stated above, Communications Alliance is supportive of an indefinite registration period subject to the DNCR being 'cleansed' and accurately maintained. Communications Alliance strongly recommends that any outstanding questions surrounding how the DNCR may be cleansed be resolved before a final decision is made on the length of the registration period.

Communications Alliance is cautiously supportive of the use of the Integrated Public Number Database (IPND) as a tool to cleanse the records in the DNCR.

While this method may provide a mechanism to cleanse the database, it should not be assumed that a cross check against the IPND will resolve all the issues relating to its current inaccuracies. There are a number of reasons why the use of the IPND could be problematic under its current structure, for example:

- A basic cross-check of numbers on the IPND with the Do Not Call Register will not be sufficient. It will be necessary to also check the account holder information. The fields within the DNCR do not match with those within the IPND. Additionally, the IPND account holder may not be the individual that registered on the DNCR but may still use the phone number.
- Checks against the IPND will not pick up changes in phone account holders where the service has not been disconnected, yet there is a different occupant of a household or user of the service.
- Each time an individual ports a number to another service provider the service is 'Disconnected' and 'Reconnected'. This 'Disconnection' should not result in deletion from the DNCR. Similarly, each time an individual updates his or her details with their service provider, the update to the IPND results in a 'disconnection' and 'reconnection'.⁴

These are examples of the issues that will need to be worked through in the development of the IPND as an effective cleansing mechanism. Communications Alliance would welcome the opportunity to discuss these issues further.

³ Herald Sun, 'New Plan Could Reduce Nuisance Sales Calls', <http://www.heraldsun.com.au/news/national/new-plan-could-reduce-nuisance-sales-calls/story-fni0xqrb-1226807961666>

⁴ Communications Alliance acknowledges that the Department of Communications proposes the time lapsed between 'disconnection' and 'reconnection' will be considered to determine if the number has gone into quarantine and been re-issued. This may overcome this concern.

In addition, as is acknowledged in the Discussion Paper, the IPND is subject to an ongoing review by the Department of Communications. As such, the use of the IPND will need to be considered in relation to the outcomes of this review.

Costs to Industry

Communications Alliance considers that it should be the responsibility of the DNCR operator to maintain the accuracy of the database, whether through the use of existing infrastructure, such as the IPND, or another mechanism.

Prior to the cleansing mechanism solution being finalised, Communications Alliance would request the opportunity to consult further on various options. This includes issues regarding the frequency and timing of cross checking the DNCR against the IPND.

Recommendations to Improve the Do Not Call Register

Communications Alliance contends that the accuracy of the DNCR may be improved through some changes to the way in which data is captured and recorded.

Communications Alliance proposes a system whereby:

- the DNCR is amended so that the fields match those in the IPND. However, updating the DNCR fields to allow washing against the IPND should not impact companies seeking 'washed' data. That is, the update should be a 'back end' update and not result in additional IT costs to telemarketing companies.
- during the registration process, the DNCR should validate the details with the IPND before an eligible individual can register. For example, a customer may enter details such as name, phone number, suburb and relevant fields can be validated against the IPND prior to proceeding with registration.

Communications Alliance requests continued consultation on this issue and the development and/or amendment to DNCR information and processes.



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