

Senate Standing Committee on Environment and Communications

Answers to Senate Estimates Questions on Notice

Budget Estimates May 2017

Communications Portfolio

The Australian Communications and Media Authority

Question No: 163

The Australian Communications and Media Authority

Hansard Ref: Page 27, 25/05/2017

Topic: Increase in telemarketing complaints

Senator Griff, Stirling asked:

Senator GRIFF: In 2015-16 you reported a 23 per cent increase in telemarketing complaints over the previous year. Is that correct?

Ms McNeill: Yes.

Senator GRIFF: I think that was around 23,000. Is that 23,000 the number of complaint instances, or the number of people making complaints?

Ms McNeill: That is the number of people making complaints to us or through our service provider.

Senator GRIFF: How many of those people would be making multiple complaints?

Ms McNeill: I do not have that information to hand.

Senator GRIFF: But you have that information?

Ms McNeill: We would have information about businesses complained about, the commonality of complaints, but I do not know whether or not we would have information specifically capturing individuals who repeatedly complain.

Senator GRIFF: I would have thought, if somebody is receiving continual calls from a particular entity that would have been fairly important to escalate an issue.

Ms McNeill: From a particular entity, yes. But I am not sure whether your interest is in someone receiving unwanted contact from multiple businesses, or repeat contact from a single business, or multiple consumers all getting contact from that single business. We would have an interest in all of those, but our particular focus is on businesses who are contacting more than one person, because that is telling us that the business is not likely to have good processes in place and that we need to be onto that.

Senator GRIFF: So you ought to be able to ascertain if a particular entity is contacting a single person multiple times? You would have that information?

Ms McNeill: I would expect so. As I said—

Senator GRIFF: On notice is fine. I am just interested in the number of single entities that are contacting people on a regular basis and basically ignoring instructions to not contact them. But on notice is fine for that.

Ms McNeill: Yes.

Senator GRIFF: Do you believe the percentage of complaints for the Do Not Call Register is currently higher than the 23 per cent? Is it actually growing at a greater rate to what it was in the last 12 months?

Ms McNeill: I do not have the most recent statistics to hand to indicate what the complaints are looking like. But I will say this: increasingly marketers are interested in data-driven marketing, and they are interested in the value of a prospective contact. I think that, over time, we will see a reduction in what I will call cold-call telemarketing. You will see for yourself, as you go online, that you will be receiving marketing reflecting where you have been and what you have been

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looking at and so forth. That kind of contact is likely to be more valuable to marketers than cold-call telemarketing.

Senator GRIFF: However, in terms of volume, you are not seeing that at this stage. More targeted telemarketing is what you are really saying. What percentage of the complaints would be coming from charities and other bodies that are exempt from the Do Not Call Register?

Ms McNeill: We get a lot of contact about charity telemarketing, and we have been very active in responding to those concerns. You would be aware that charities are exempt from the prohibition on contacting numbers on the Do Not Call Register. From memory, there was a point in time where around a third of our complaints—I can be more specific on notice—

Answer:

1. The Australian Communications and Media Authority (ACMA) received 23,014 complaints about telemarketing and 45 complaints about fax-marketing in 2015-16, an increase of 27 per cent since 2014-15.
2. The ACMA does not directly collect data that would indicate whether individuals are making multiple complaints about alleged non-compliance with the *Do Not Call Register Act 2006* and associated telemarketing industry standards. The ACMA's compliance activities identify businesses with potential systemic or ongoing compliance issues, this may include where a complainant is being contacted on a repeat basis or repeat complaints have been made. This may then lead to escalated compliance actions, including formal investigation.
3. The ACMA has received 24,555 complaints about telemarketing between 1 July 2016 and 31 May 2017. This is an increase of 21 per cent from the same period the previous year.
4. Telemarketing calls from certain bodies are designated exempt from the *Do Not Call Register Act 2006*:
 - (a) registered charities
 - (b) government bodies
 - (c) registered political parties, independent MPs and political candidates
 - (d) educational institutions that contact students or former students.

The number of complaints that the ACMA has received about calls from such bodies since 1 July 2015 is set out below.

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Nature of complaint	Number of complaints 2015-16	Percentage	Number of complaints 2016-17 YTD (31 May 2017)	Percentage
Charities	833	3.62%	886	3.61%
Government bodies	5	0.02%	3	0.01%
Political parties, independent members of parliament, candidates etc.	152	0.66%	79	0.32%
Educational institutions	2	0.01%	2	0.01%
Market Research ¹	1,126	4.89%	1,219	4.96%
All other tele and fax marketing, e.g. business	20,941	90.81%	22,366	91.08%
Total complaints	23,059		24,555	

Telemarketing calls by or on behalf of these bodies must follow the rules set out in the Telecommunications (Telemarketing and Research Calls) Industry Standard 2017.

1. Market Research is not telemarketing and therefore not covered by the *Do Not Call Register Act 2006*, however market research calls are covered under the Telecommunications (Telemarketing and Research calls) Industry Standard 2017.