

Simmonds, Martine

From: Chris Connolly [chrisc@galexia.com.au]
Sent: Wednesday, 9 October 2005 1:39 PM
To: Adjudication
Cc: c.connolly@unsw.edu.au; Alison So; Robin Whittle; Nigel Waters; Roger Clarke
Subject: URGENT: Australian Direct Marketing Association (ADMA) Application Number A90876

Importance: High

Mr Scott Gregson
The General Manager
Adjudication Branch
ACCC

URGENT

Australian Direct Marketing Association (ADMA) Application Number A90876

Dear Mr Gregson,

Thank you for the opportunity to comment on the draft determination on the ADMA Direct Marketing Code of Practice.

I am writing to request that you provide a general extension of time for interested parties to respond, and that you publicise this extension on the ACCC website and in correspondence with parties who have indicated an intention to respond.

As you are aware, the ADMA Code has a long and controversial history. No privacy or consumer organisation or informed commentator has ever expressed any support for the Code. It has always been my opinion that the ACCC authorisation of the ADMA Code undermines REAL regulation of the direct marketing industry.

On Sunday there was a significant development in the push for serious law reform on direct marketing:

<http://www.smh.com.au/text/articles/2005/10/15/1128796748242.html>

"End of the line is nigh for serial phone pests
Date: October 16 2005 By Daniel Dasey

The Federal Government is poised to take action on the telemarketing epidemic as community anger over unsolicited sales calls reaches boiling point. With some Australian homes now receiving up to 16 calls a day from marketers, Communications Minister Helen Coonan has signalled she is on the verge of unveiling a national Do Not Call register that would allow consumers to remove their numbers from telemarketing databases."

I have had confirmation today that the Minister plans to announce significant reforms in the next fortnight.

In these circumstances I suggest that a general extension of two months should be granted. This will allow time for the Government's proposals to be analysed, and I cannot see that it causes any harm to any party (industry or consumer).

The advantages of an extension will include:

- Interested parties will not be required to waste time and resources on preparing detailed commentary on the existing code, until after an alternative regulatory approach has been considered.

- ADMA have indicated that they might support the national Do Not Call register, therefore replacing the current approach in the Code.

- A national approach is likely to have a greater public benefit than the ADMA proposal, as it will not be limited to the small membership of ADMA.

- A national approach is likely to "resolve" the anti-competitive issues raised by the

ADMA Code.

I would be grateful for your urgent consideration of this request. I have contacted other interested parties and letters of support for this extension can be arranged if required. I imagine ADMA will also support an extension, although I have not contacted them on this issue.

Yours sincerely,

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