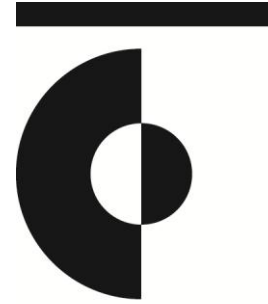


12 March 2014

Mr Damian Garipidis  
Project Manager  
Unsolicited Communications Compliance Section  
Australian Communications and Media Authority  
[REDACTED]



**Telecommunications  
Industry  
Ombudsman**

**Simon Cohen**  
Ombudsman

Dear Mr Garipidis

### **Australian eMarketing Code of Practice March 2005**

Thank you for your correspondence of 6 March 2014 seeking feedback regarding the ongoing relevance of the *Australian eMarketing Code of Practice March 2005* (eMarketing Code).

The Telecommunications Industry Ombudsman (TIO) has considered your request and has reviewed the eMarketing Code. When the eMarketing Code was originally drafted the TIO formed the view that as it related to members of the e-marketing industry rather than to providers of carriage services, that matters arising under the eMarketing Code would fall outside of our jurisdiction.

Following our recent review, and noting the ACMA's advice that the eMarketing Code only applies to a limited part of the Industry engaging in eMarketing activities, the TIO maintains that view.

While telecommunications providers do communicate with their own customers and with other consumers via telemarketing, the TIO notes that both the *Telemarketing and Research Calls Industry Standard 2007* and *Fax Marketing Industry Standard 2011* are relevant to these activities. Given that these Standards complement the legislative requirements set out in both the *Spam Act 2003* and *Do Not Call Register Act 2006*, it appears to the TIO that there is a robust framework for marketing conducted via telecommunications.

On considering the eMarketing Code in relation to today's legislative environment, we agree with your suggestion that deregistration may be appropriate.

[REDACTED]

Yours sincerely

David Brockman  
**Executive Director – Industry, Community and Government**

*"... providing independent, just, informal and speedy resolution of complaints"*

**Telecommunications Industry Ombudsman Ltd ABN 46 057 634 787**

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