

VEU code of conduct workshop for scheme participants – 18 August 2022

Open forum – questions and answers

How do you identify those telemarketers who cold call, will not provide details about the accredited person they represent and do not provide details about how they obtained private phone numbers? When pressed, these telemarketers simply hang up. How does the commission propose to stamp this out?

Accredited persons are responsible for ensuring scheme participants who are working for them (including telemarketers) comply with the code. Accredited persons and scheme participants are also responsible for keeping records of all telemarketing activities undertaken. The commission receives complaints from consumers about alleged non-compliant telemarketing calls and can investigate further if required, using its compliance and enforcement powers. The commission may formally request call records from an accredited person about any telemarketing activity related to the VEU program they have been linked to.

The commission may also refer the matter to the Australian Communications and Media Authority (ACMA) to investigate under the [Do Not Call Register Act 2006](#).

Many digital advertisers do not provide detail about the accredited person they represent. It is too difficult for consumers to obtain this information. How does the commission propose compliance?

Accredited persons and scheme participants who use email, text or online marketing to generate leads for prescribed activities must comply with the code. This includes providing details about which accredited person they are acting on behalf of.

Accredited persons are accountable for relevant parties keeping records of all digital marketing activities undertaken. The commission receives complaints from consumers about alleged non-compliant digital marketing and can investigate further if required, using its compliance and enforcement powers. The commission may formally request digital marketing records from an

accredited person about any digital marketing activity related to the VEU program they have been linked to.

The commission may also refer the matter to the Australian Communications and Media Authority (ACMA) to investigate under the [Spam Act 2003](#).

How can we comply with the code without seeking the commission's advice?

From 1 July 2022, accredited persons and scheme participants are legally required to comply with the code. The commission has been engaging with the sector through workshops and provided guidance materials. However, these materials do not replace seeking your own legal advice.

We are a scheme participant and are currently engaged with an accredited person, but the accredited person does not want to enter into any contractual relationship with us and intentionally does not entertain any disputes we raise within their contract. What should we do?

You should seek your own legal advice about any dispute with an accredited person.