



**NATIONAL CONSUMER  
COMMISSION (NCC) &  
DIRECT MARKETING  
ASSOCIATION OF SOUTH  
AFRICA (DMASA) REFERRAL  
PROTOCOL**

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MARKETING ASSOCIATION OF SOUTH AFRICA (DMASA) REFERRAL PROTOCOL**

## **1. NATIONAL CONSUMER COMMISSION LEGISLATIVE MANDATE**

1.1 The National Consumer Commission is established in terms of the provisions of section 85 of the Consumer Protection Act 68, of 2008 ("the Consumer Protection Act") in order to, inter alia, promote and advance the social and economic welfare of consumers in South Africa.

1.2 The National Consumer Commission is mandated to, inter alia, to enforce and carry out the functions assigned to it in terms of the Act. The Act seeks to promote a fair, accessible and sustainable marketplace for consumer products and services and for that purpose to establish national norms and standards relating to consumer protection. It further seeks to provide for improved standards of consumer information, prohibit certain unfair marketing and business practices, promote responsible consumer behaviour and promote a consistent legislative and enforcement framework relating to consumer transactions and agreements.

## **2. DIRECT MARKETING ASSOCIATION OF SOUTH AFRICA (DMASA) MANDATE**

2.1 The DMASA's mandate is fully set out in its vision and mission as follows, namely;

### **2.1.1. Vision**

2.1.2 The Direct Marketing Association of South Africa (DMASA) will be the pre-eminent direct marketing association in South Africa for all direct marketing disciplines, channels and technologies. The Association will accomplish this by being a broad-based, well-funded and responsible organization that is the direct marketing community's leading:

2.1.3 advocate, manager and authority on key public policy issues affecting direct marketers;

2.1.4 provider of knowledge, leading-edge direct marketing intelligence and professional development opportunities; and

2.1.4 catalyst for networking and business opportunities within the direct marketing community.

## 2.2 Mission

To create an environment that fosters the responsible growth of direct marketing in South Africa by:

- 2.2.1 Representing the interests of our Participants on key issues;
- 2.2.2. Taking a leadership role in identifying, planning for and reacting to issues affecting direct marketing in South Africa;
- 2.2.3 Influencing and shaping policy initiatives which impact direct marketing, through the education of government, media, special interest groups and the public;
- 2.2.4. Establishing and promoting ethical standards of practice for direct marketing and taking an active role in ensuring compliance;
- 2.2.5 Promoting integrity and high standards of business conduct among our Participants in the interests of consumers and each other;
- 2.2.6. Being a major source of knowledge, direct marketing intelligence and professional development; and
- 2.2.7 Providing opportunities for Participants to meet, network, exchange information and do business together.

- 2.3 The Act in terms of section 70(1), provides that consumers may seek to resolve any dispute in respect of a transaction or agreement with a supplier by referring the matter to an alternative dispute resolution agent, that is, *inter alia*;

*(c) a person or entity providing conciliation, mediation or arbitration services to assist in the resolution of consumer disputes, other than an Ombud with jurisdiction, or an accredited industry Ombud;*

- 2.4 The Direct Marketing Association of South Africa (DMASA), is by its nature and constitution, presently an alternative dispute resolution agent, as envisaged in terms of section 70(1) (c), and in that capacity is authorised to conciliate disputes between industry suppliers or Participants and consumers in direct marketing, which disputes may emanate;

2.4.1 directly from members of the public; or

2.4.2 are referred to it by the National Consumer Commission (NCC) in terms of section 71(1);

2.5 In the premise, for the purpose of putting in place an effective and efficient complaint and reporting procedure in place in discharging its obligations in paragraph 1.4 above, the DMASA has deemed it prudent to conclude this Referral Protocol with the Enforcement Division of the NCC.

### 3. PURPOSE OF REFERRAL PROTOCOL

3.1 The purpose of this referral protocol is to ensure the facilitation of effective and efficient access to redress for consumers. To promote a consistent legislative and enforcement framework relating to consumer transactions and agreements.

TYPES OF COMPLAINTS TO BE REFERRED TO DMASA	TYPES OF COMPLAINTS TO REFER TO NCC
<p><u>Complaints Type:</u></p> <ul style="list-style-type: none"><li>- Opt me out/Unsubscribe me (Originating company to remove consumer)</li><li>- Unsolicited/Still being contacted (Initial message was received without consent, and or consumer Opted Out and received message again)</li></ul>	<ul style="list-style-type: none"><li>- The complaints that allege contravention of the CPA.</li><li>- All complaints that have not been resolved after conciliation has failed. The consumers will be advised to lodge the complaints directly.</li></ul>

### 4. METHOD OF REFERRAL TO COMMISSION

4.1 The consumers should be advised to lodge the complaints with the Commission on the following centralized e-mail address: [complaints@thenc.org.za](mailto:complaints@thenc.org.za). The complaints should be accompanied by the conciliation outcomes

4.2 Ms Fikile Ntuli, Director Complaints Handling should be copied on all enquiries for the

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Commission on her e-mail address: [enquiries@thencc.org.za](mailto:enquiries@thencc.org.za) and can be reached on 012 428 7830.

## 5. METHOD OF REFERRAL TO DIRECT MARKETING ASSOCIATION OF SOUTH AFRICA

5.1 The referral to Direct Marketing Association of South Africa should be sent to the following e-mail address: [complaints@dmasa.org](mailto:complaints@dmasa.org)

5.2 The contact person from Direct Marketing Association of South Africa is Ms Tshidi Makhafola, Communications Officer and can be reached on 0861 362 362 and her email is [communications@dmasa.org](mailto:communications@dmasa.org)

## 6. REPORTS

6.1. DMASA will submit the report on a monthly basis to the Commission.

6.2 This referral protocol will remain valid until it is amended or replaced by mutual agreement between the NCC and DMASA.

Signed at Pretoria on this 18<sup>th</sup> day of August 2016



Prudence Moolwa

Head of Division: Enforcement and Investigation

National Consumer Commission

M. MAKHAFOLA

Ms Tshidi Makhafola

Communications Officer

Direct Marketing Association of South Africa