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Committee Secretary
House of Representatives Committee on
Social Policy and Legal Affairs
PO Box 6021
Parliament House
CANBERRA ACT 2600

By email: spla.reps@aph.gov.au

Dear Committee Secretary,

Re: Inquiry into the Do Not Knock Register Bill 2012

National Seniors Australia welcomes the opportunity to submit comments to the *Do Not Knock Register Bill 2012* inquiry.

By way of background, National Seniors Australia is the country's largest organisation representing the interests of those aged 50 and over, with 200,000 individual members nationally. This broad-based support enables National Seniors to provide a well informed and representative voice on behalf of its members and contribute to public education, debate and community consultation on issues of direct relevance to older Australians.

Our focus in this submission is on the protection of older Australians from high pressure sales situations within the safety of their own home. In particular, we highlight aspects of vulnerability which have been identified as recurrent themes within membership responses regarding door knocking. Significantly, the introduction of the *Do Not Knock Register Bill 2012* would allow those people who are most vulnerable to 'opt out' of receiving these uninvited house calls.

TARGETING THE VULNERABLE: DOOR TO DOOR SALES

Our research shows that older Australians are significantly concerned with market uncertainty, inflation and insufficient savings, especially in the years leading up to, and following retirement. Furthermore, the research indicates that many older Australians struggle to maintain modest living standards in retirement with around 40% receiving a majority of their incomes from government sources. One National Seniors member went so far as to provide the following when asked about their feelings towards the introduction of the Register:

"[The] age pension simply doesn't stretch far enough even for charity door-knocks and I just need to keep to my couple of regular annual donations to my favourites."

Given that some older Australian households experience limited budgets along with rising financial concerns, it is imperative to provide protection to prevent further vulnerability. With regard to door to door sales, a recent Australian Competition and Consumer Commission report reveals that the vulnerable and disadvantaged are deliberately targeted to complete a sale. Agents have specifically stated that approaches to conclude the sale of a product are aimed at the elderly.

Difficulties arise from these methods of sale due to the provision of misleading information, contracts that do not reflect what was verbally agreed upon and the pressure from returning sales representatives which can generate feelings of powerlessness and intimidation. One National Seniors member states:

“They refuse to give you a contract and want to sign up without allowing time for you to go through the details.”

Furthermore, National Seniors Australia has had an overwhelming response supporting the introduction of this bill and statements made by members support the aforementioned concerns regarding door to door sales. The feedback below is typical of this:

“In the last month or so I have had sales representatives from two separate energy providers knock on my door, asking to see my last power bill so they can show me how to get a discount through them. In the same period I also had a phone call from one of these companies. All of them quite persistent and not able to answer my questions about the ongoing nature of these discounts. They were each quite difficult to disengage, one of them in fact becoming quite annoyed that I would not accept his offers of discounts – in fact some people may have found his manner rather intimidating.”

Evidence suggests that the implementation of the *Do Not Knock Register Bill 2012* will provide older Australian households with the support to exercise their rights with confidence and will further prevent uninvited sales representatives from targeting vulnerable people.

National Seniors members, when asked if they would support the proposed register, further highlighted that the persistent nature of sales representatives was of a great concern. Other common themes include: concern over continued harassment and the aggressive nature of sales representatives, intrusion of privacy, experiences of being ignored when asking a sales representative to leave and the inconvenient times of representative arrivals.

Evidence suggests that if given a choice, people would be happy to opt out of door-to-door sales.

RESTRICTING DOOR TO DOOR SALES: AN INTERNATIONAL PERSPECTIVE

Successful attempts at implementing legislation restricting door-to-door sales can be seen within the United States of America and the United Kingdom.

Green River Ordinance: USA

In the 1930s, laws were passed which restricted door-to-door sales in Green River, Wyoming. Laws or ordinances since that time that prohibit or limit door-to-door sales within the United States are often referred to as a "Green River Ordinance" which is named after the first successful ordinance of its kind. Under these regulations, the sale of goods and services to private dwellings by businesses requires a direct application to the household and/or the areas council to gain permission to enter and promote a product.

Other areas within the United States, such as Washington State and Alabama, have successfully implemented restrictions on door-to-door sales under the Green River Ordinance. Additionally, these areas have also made attempts to broaden the restrictions of door knocking to include political, religious, and charitable groups. However, these proposals have been identified as unconstitutional as the inclusion of these additional groups within the door knocking ordinance would restrict freedom of speech and expression and further prevent a person from the right to make a living. For this reason the *Green River Ordinance 1931* promotes and confirms the rights of the householder to decide who comes into their home, and on what basis. It has also allowed households the opportunity to opt out of certain house calls and focuses on anti-trespassing, rather than anti-selling and further strengthens household privacy.

Under these ordinances, sales representatives and businesses require a permit to undertake house calls for marketing purposes. These permits are obtained through applications to appropriate councils and, if successful, solicitation may only occur at households who are not on the “do not knock” register.

Households who are on this register can be further identified by a sign that prohibits door sales on that premise.

Since the implementation of the initial ordinance in Wyoming, other States have followed suit. Furthermore, the success of this ordinance can be identified through the ongoing extension and implementation of these laws in other States.

Door Step Selling in the United Kingdom:

Similarly, the United Kingdom implements ordinances that restrict door step selling in some areas. The United Kingdom, like the United States, does not have a national 'do-not-knock' register and households must check with their local councils before erecting signs above their doors prohibiting door step selling.

In place of a national do-not-knock register, the United Kingdom promotes household autonomy when faced with a door step seller. The 'Door Step Selling Campaign' is aimed at educating the consumer on their rights in regards to door-to door sales and focuses on inappropriate doorstep selling techniques and household rights, with the aim of empowering people to say 'no'. Techniques such as television advertisements, leaflet drops and door hangers are utilised to inform households of their rights and any further action which can be taken in the event of a door step sales breach.

The campaign and register aim to empower the elderly and vulnerable consumers to make effective purchasing decisions.

THE DO NOT KNOCK REGISTER 2012

In the above sections, National Seniors Australia has outlined some of the concerns raised in regards to door-to-door sales and how these impact on older Australian households. The implementation of a 'Do Not Knock Register' will give elderly Australians the opportunity to opt out of door-to-door sales and will empower those who are most vulnerable.

National Seniors Australia strongly supports the idea of a 'Do Not Knock Register' as it will provide protection to older Australians from high pressure sales situations within the safety of their own home. As outlined, members of National Seniors Australia have stated that door-to-door sales are intrusive, persistent and a violation of their privacy. These factors, along with the targeting of specific demographics for the completion of a sale, increase older Australians risk to vulnerability. Older Australians should have the right to opt out of these situations.

Should the Committee wish to discuss further the views of older Australians on *The Do Not Knock Register* I can be contacted on (07) 3233 9130 or 0448 125 898.

Yours faithfully,

Michael O'Neill
Chief Executive
National Seniors Australia