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Social Policy and Legal Affairs Committee

Report

SPEECH

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Speaker Georganas, Steve, MP

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Mr GEORGANAS (Hindmarsh) (18:07): I am pleased to have the opportunity to speak today on the Social Policy and Legal Affairs Committee's advisory report on the Do Not Knock Register Bill 2012. Before I do, I would like to thank the member for Moreton, who was here earlier, for kindly agreeing as chair of the committee to refer the report to the Federation Chamber so that I could get the opportunity to speak on my private member's bill, the Do Not Knock Register Bill 2012. I would also like to note the presence here of the member for Blair, who was also on the committee, and thank him for his work on the inquiry into the bill.

The right to peace and privacy in our homes is a very basic principle. I think we would all agree with that. So is the need to protect that right to privacy in our own homes, especially for our senior Australians and for vulnerable people. We need to protect them from abuse, coercion and exploitation. As a nation and as a community we have a responsibility to look out for one another. I think we all agree on that. As an elected member I think it is my job to do everything that I can, no matter how small, to assist in that. Giving people in my electorate of Hindmarsh a break and helping where I can even with just everyday worries is at the top of my list, as I am sure it is at the top of your list, Deputy Speaker, and of everyone else's in this House. That is what is at the core of the do not knock bill, which I put before this House a little while ago.

This bill is about people, it is about fairness and it is about choice. It is a very common-sense solution to a very common problem. Pretty much everyone here has had the experience of having a door-to-door salesperson knock at their door. If you are confident—as most of us in this House are, like me—you might say, 'Thank you very much, but no thanks, we're not interested.' The salesperson might leave, or they might stay and try to sell to you, to ask you why you are not interested and say that they have 'a great new offer for you'. They might say, as many people have told me, that they are 'just checking your bill to see if you qualify for a new rate on your electricity'. And if you are a senior Australian, or have a disability, or you do not speak much English, you might think, 'Gee, maybe they're right. This offer sounds good—I think I will sign up.' And it can be really hard to say no to some of those people. So you sign on the dotted line and hope for the best. But then, months later, a bill arrives and you realise that is not exactly what you expected and what you were promised has not come to fruition and it is actually costing you a lot more than what you were told, and there was all this in small print in there as well that you were totally unaware of.

But to undo all of the documents you signed, there are complaints departments, offices of fair trading, ombudsmen and consumer affairs offices to go through. There is paperwork and there are endless phone calls and letters that do not get responded to by the company, et cetera. And then, quite often, the last resort is that you will go to your local MP. And that is where I have heard many horror stories, when people get to that stage and come to see me. I have had people turn up at my electorate office and burst into tears, because by the time they have been through the whole process they are absolutely exhausted, they are broke and they do not know what to do.

That is why I decided it was time to act. Many of these people I spoke to in my electorate office or on the phone were vulnerable people—as I said, elderly Australians, people with disabilities and people from non-English-speaking backgrounds. They should not have been pushed into signing contracts with strong sales techniques that were being used at their doors and being promised deals that were never going to come to fruition. That is why I decided to act, for the people I spoke to on a regular basis in my electorate office who were going through hell. They should not have to give access to their homes and wait for that person to turn up on their doorstep before turning them away, often against enormous pressure from the salesperson. They should be able to choose whether these people can even set foot in the gate. This is about choice and giving the consumer choice. That is what the Do Not Knock Register is all about—giving people the choice.

The bill was designed to work just like the Do Not Call Register; the entire framework was exactly the same. That bill has been very successful, with more than 7.6 million people signing up to it and having 7.6 million numbers on the Do Not Call Register. There was a recent survey conducted and 88 per cent of people said that phone calls

to the house by direct marketing companies had dropped enormously. It proves that the register is working and is working very successfully. People are saying that they are getting a lot less calls than before they signed up.

The Do Not Knock Register would be available to anyone with a residential or government address. It does not affect businesses who sell to each other, or charities, such as the Red Cross and the Girl Guides, nor does it affect religious or political organisations. The reason I had this in the framework of this policy is that it was designed to ensure that it only affected those salespeople who come to your home and have an effect on your hip pocket. What we are trying to do is stop those high-pressure sales tactics that we have all seen from being used on vulnerable people, and stop people being financially ripped off. And this bill would do just that, because people can choose to sign up and not have salespeople knocking on their front door. That is a huge step forward for Australian consumer.

After I first announced the bill I received a flood of support. Emails and letters and phone calls came in from across Australia. I have some emails here that I received. One man who emailed me said:

I hope your bill becomes law as I am fed up with people knocking on my door and being aggressive when I tell them I am not interested.

Another one is from a woman in New South Wales who wrote and said:

I would like to congratulate you for bringing this matter to the Federal Parliament's attention and attempting to introduce such legislation. I think it's about time someone did something to address the situation of people being hounded or harassed in their own homes by door to door salespeople.

A man from regional South Australia said:

At last a politician trying to do something practical! Your efforts are really appreciated as down here in the Fleurieu—

the Fleurieu being an area in South Australia—

the door-knockers are pretty awful.

Another one said:

According to A Current Affair you are putting a Bill before Parliament regarding power company sales methods etc. I am impressed. Some action needs to be taken to protect the interests of the public and in particular vulnerable members of our community.

And it goes on and on. We have received hundreds of these messages. From all corners of the country came stories of people who had been hassled, pressured and ripped off by door-to-door salespeople. In fact I was receiving so many emails we decided to start an online petition to give people a good place to show their support. We gathered thousands of online petitions—names and addresses of people who are in support of the do not knock bill.

Choice magazine came out in support of my private member's bill. National Seniors Australia, a group that represents seniors round the country, is in support of this bill. The Consumers Federation of Australia, the Consumer Action Law Centre and Financial Counselling Australia all joined my campaign in support of this private member's bill. I would like to thank the many groups for their contribution to this inquiry and for their support. They have been very supportive of the bill and many of them also took the time to come to the public hearings and appear as witnesses.

In total, there were four main issues considered in this report. The first was whether the bill was constitutional; the second was the effectiveness of existing campaigns, including the 'Do Not Knock' sticker campaign; the third was what the current laws, which come under the Australian consumer laws framework, do; and the fourth was how the Do Not Knock Register could actually be set up.

First of all, I note the committee's advice that they cannot really advise the parliament about the constitutionality of a bill. However, they did get advice from an expert on the issue, Professor George Williams, who said:

It is clear that the Bill has been drafted so as to fall under heads of power ... My view is that, if passed, the Bill would be a valid enactment under the Australian Constitution.

I was very pleased to read that because, to me, that meant that it was constitutional. I did have some assistance from the clerks and some assistance from the Attorney-General while we were drafting the bill to ensure that all the right checks and balances were in place. I am very pleased and very glad it passed with flying colours on that aspect. As I said, I want to say a special thank you to the clerks and to the Attorney-General for their advice and assistance.

On the second issue, which is whether the 'Do Not Knock' stickers work, we know that they are a grey area. Right now the ACCC have the energy companies in court after they ignored the stickers, so the theory of whether the stickers actually constitute a request to leave is being tested. In my view, the stickers are great if people respect them, but the reason it is in court is that that has not happened. We need black-and-white laws to make clear to consumers what their rights are, and this bill would give those black-and-white laws clarity. We need to make clear to companies what their obligations are as well. That is exactly what the Do Not Knock Register Bill does, and that is why we need the bill to pass. Thirdly, as to whether the Australian consumer laws already cover this type of issue, they do—to an extent. The committee's report is correct in saying that it is absolutely paramount that we have effective education campaigns so that people know exactly what their rights are. But my worry, what keeps me awake at night, is that those very vulnerable people—the elderly people, people with intellectual disabilities, people from non-English speaking backgrounds and some of the elderly who have conditions like dementia—will not be helped by an education campaign. What would help them is to have their address on a register preventing people from knocking on their doors. Education campaigns are great if you are able to understand them, but, as I said, what about if you do not speak English very well or if you have an intellectual disability? What if you suffer from dementia and cannot remember information you have been told? Another example that comes to mind is of a woman who went to visit her mother only to find a salesperson from an energy company sitting on the couch signing her up to a new contract. Her mother had the onset of dementia, so the woman was very quick to intervene to stop it going further. These are the stories I hear on a regular basis. These are the people who are suffering because, right now, if they get signed up to a new energy contract or phone contract, they do not necessarily know that they can go to the Office of Fair Trading to sort out the issue.

Australian consumer law does a lot of good things and the Assistant Treasurer and Minister Assisting for Deregulation has truly done the hard yards in coordinating all the states and territories to have, for the very first time, national consumer laws. Things are a lot better now than ever, but there is more work to do. It does not make sense to say to people that they should have the right to stop sales phone calls and yet tell them they should not have the right to stop people knocking on their door. But, in rejecting this bill, that is what happened, I suppose, and a lot of people in the community are asking why. Already the CEO of the National Seniors Association has come to see me and described the committee's decision not to recommend that the bill be passed as very disappointing.

The report has instead recommended two things: that we wait to see the outcome of the court cases with the stickers, and that we wait until 2015 to review the consumer laws. But I say: let's pass the bill now; let's not wait for more elderly and vulnerable people to be exploited. I would like to act now, with a simple, effective register, which will make the legislation and the law clear, as is the Do Not Call Register. We have the chance as parliamentarians now to do something that will help so many people in our community. I do not agree that it would cost as much as setting up the Do Not Call Register, which is already in existence. The committee came up with some figures that it would cost approximately \$33 million—*(Time expired)*