

Explanatory note - required telemarketing and door-to-door sales practices by accredited persons

9 November 2017



An appropriate citation for this paper is:

Essential Services Commission 2017, *Explanatory note - required telemarketing and door-to-door sales practices by accredited persons*, 9 November

Copyright notice

© Essential Services Commission 2017



This work, *Explanatory note - required telemarketing and door-to-door sales practices by accredited persons*, is licensed under a Creative Commons Attribution 4.0 licence [creativecommons.org/licenses/by/4.0]. You are free to re-use the work under that licence, on the condition that you credit the Essential Services Commission as author, indicate if changes were made and comply with the other licence terms.

The licence does not apply to any brand logo, images or photographs within the publication.



The Department of Environment, Land, Water and Planning develops policy for the [Victorian Energy Upgrades](#) program. The program provides incentives for Victorian households and organisations to make energy efficiency improvements that save money on their energy bills and reduce Victoria's greenhouse gas emissions

The Essential Services Commission administers the program as the 'Victorian Energy Efficiency Target scheme' under the *Victorian Energy Efficiency Target Act 2007*.

For more information, visit veet.vic.gov.au.

Contents

1. Introduction	1
1.1. ACL coverage	1
1.2. ACL requirements for APs and their representatives	1
2. Telemarketing practices	2
2.1. Required practices	2
2.2. Do not call register	2
3. Door to door sales practices	3
3.1. Required practices	3
3.2. Lead generation materials	3
3.3. Do not knock stickers	3
4. Consequence of breach	4

1. Introduction

The Victorian Energy Efficiency Target (VEET) scheme is a Victorian Government initiative administered by the Essential Services Commission (the commission).

Accredited persons (APs) taking part in the scheme must comply with the Australian Consumer Law (ACL). One of the many areas ACL covers is 'unsolicited consumer agreements' (UCA) which comprises telemarketing, door-to-door sales and sales made in public places. The purpose of this document is to provide APs with a high level overview of their UCA obligations under the ACL as well as under the scheme.

1.1. ACL coverage

Any person engaged by an AP for UCA – whether direct employees, sub-contractors and/or persons engaged by third party companies – must comply with ACL requirements. It is the AP's responsibility to ensure this occurs and this obligation cannot be abrogated to third parties.

1.2. ACL requirements for APs and their representatives

By law all UCA salespeople must:

- tell the consumer:
 - their name
 - the name and address of the AP they represent (not the name of the third party they are employed by)
 - the purpose of the phone call or visit (including explaining how the VEET scheme operates)
 - that if asked to do so they are obliged to leave the premises.
- not engage in false or misleading claims including:
 - claiming they work for or on behalf of VEET/the commission/the Victorian Government
 - claiming the installation is mandatory under the VEET scheme
 - claiming the consumer number was provided by the Victorian Government
 - providing the VEET support desk number to consumers as their own.

2. Telemarketing practices

2.1. Required practices

AP telemarketers are not allowed to call consumers:

- on Sundays or public holidays
- before 9am or after 8pm on weekdays
- before 9am or after 5pm on Saturdays.

APs must ensure their telemarketers:

- inform the customer of where they acquired their telephone number, if asked
- remain on the line and answer any questions the consumer has about the AP they represent
- refrain from using recorded messages or 'robo' phone tactics designed to alarm consumers
- are able to inform the consumer which AP will be undertaking the installation
- ensure their calling line identification is enabled
- at the customer's request, hang up immediately and not call back for at least 30 days.

2.2. Do not call register

Telemarketers must not contact anyone whose number is on the 'do not call' register. In order to avoid contacting these numbers, APs must:

- register for annual subscription from the Australian Communications and Media Authority
- wash their list of numbers every 30 days.

3. Door to door sales practices

3.1. Required practices

Door-to-door salespeople are not allowed to visit consumers:

- on Sundays or public holidays
- before 9am or after 6pm on weekdays
- before 9am or after 5pm on Saturdays.

APs must ensure their door-to-door salespeople:

- provide identification detailing the AP they represent
- understand that they are required to leave premises upon the consumer's request
- leave immediately if asked to and not return for 30 days.

3.2. Lead generation materials

It is important to note that for any materials used for lead generation, marketing or consumer information purposes, whether it be telemarketing or door-to-door sales, the business identified to the consumer must be the AP, and the materials must include their contact details.

3.3. Do not knock stickers

Door-to-door salespeople must not approach any home which has a 'do not knock' sticker displayed. APs must ensure all their representatives are aware of this requirement.

4. Consequence of breach

The commission will investigate potential breaches and refer relevant information to Consumer Affairs Victoria for consideration.

The ACL and accompanying legislation provides a range of enforcement options to deal with minor to very serious breaches of those laws. Penalties for a breach include:

- issuing formal warnings and infringement notices
- seeking enforceable undertakings
- taking civil court action.

Criminal and civil penalties of up to \$220,000 for individuals and \$1,100,000 for companies for breach of ACL may be imposed for any false claims by APs that they are a government representative for obtaining a consumer's agreement.

Please visit the following websites for further information about required UCA sales practices:

- Consumer Affairs Victoria (www.consumer.vic.gov.au)
- Australian Competition & Consumer Commission (www.accc.gov.au/consumers).

Document version control

The RM reference for this document is: C/13/5331

Version	Amendments made	Date published
V 1.1	Creation of Explanatory note: required telemarketing and door to door sales practices by accredited persons	6 August 2015
V 2.0	Updated to new Victorian Energy Upgrades template	9 November 2017