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Australian Competition & Consumer Commission
23 Marcus Clarke Street
Canberra ACT 2601
Via email: unsolicitedsellingreview@accc.gov.au

Unsolicited selling and lead generation review

The Justice and Equity Centre (JEC) welcomes the opportunity to make a submission to the Australian Competition & Consumer Commission's (ACCC) *Unsolicited selling and lead generation Consultation paper*.

The JEC supports reforms banning unsolicited selling and implementing robust regulation of lead generation. We welcome this review and see it as a critical opportunity to progress such reforms.

Our Energy and Water Justice work improves regulation and policy so all people can access the sustainable, dependable and affordable energy and water they need. We ensure consumer protections improve equity, limit disadvantage and support communities to play a meaningful role in decision-making.

Through our work with community organisations and service providers we are consistently provided with evidence of concerning unsolicited selling and lead generation practices undertaken by businesses, particularly in relation to the sale of solar panels and other Consumer Energy Resources (CER). These practices often target vulnerable people and communities, including older people, First Nations people, people from Culturally and Linguistically Diverse (CALD) backgrounds, people in rural and remote areas, and people with disabilities and mental health issues.

Under the Australian Consumer Law (ACL) there is insufficient protection or avenue for redress when people experience significant harms as a result of being unduly coerced or pressured into agreeing to inappropriate and / or unaffordable energy products or services through unsolicited sales practices. Any form of redress which does exist still allows significant harms to occur, relying on impacted consumers actively pursuing their own legal actions. Even in the small minority of instances where this occurs, attempts at redress are often unsuccessful.

Unsolicited sales in energy services and products - such as solar panels and other CER – are often combined with a range of credit products and other complicated service agreements which compound the potential financial impact on the household and often render redress impossible. This exposes people, particularly those who are vulnerable, to unreasonable and unacceptable risk of serious harm.

Being the victim of unsolicited selling and high-pressure sales techniques threatens people's ability to afford their essential energy service and critically undermines community trust in energy products and services, and the wider transition to a decarbonised energy system.

The breadth and severity of harms we see resulting from unsolicited selling practices – particularly in relation to energy products and services - justifies a comprehensive ban on unsolicited selling. Accordingly, the JEC recommends:

- Implementing an economy-wide ban on unsolicited selling across all channels, with limited exceptions for established customer relationships.
- Strengthened regulation of lead generation with explicit consent requirements and clear disclosure of data-use.
- Increased penalties and proactive monitoring of lead generation and sales practices, especially those targeting vulnerable consumers.

We strongly support the submission to this review by the Consumer Action Law Centre (CALC) and the detailed recommendations it contains.

We would welcome the opportunity to discuss these issues and the scope and conclusions of the review with the ACCC and other stakeholders. Please do not hesitate to contact me with any opportunities to do so.

Yours sincerely

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