

Australian Competition and Consumer Commission
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Submitted via email: unsolicitedsellingreview@accc.gov.au

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ACCC Unsolicited Selling and Lead Generation Review

The Australian Energy Council ('AEC') welcomes the opportunity to make a submission in response to the Australian Competition and Consumer Commission's ('ACCC') *Unsolicited Selling and Lead Generation Review* ('the review').

The AEC is the peak industry body for electricity and downstream natural gas businesses operating in the competitive wholesale and retail energy markets. AEC members generate and sell energy to over 10 million homes and businesses and are major investors in renewable energy generation which is a part of the transition currently occurring in the industry. The AEC supports reaching net-zero by 2050 as well as a 55 per cent emissions reduction target by 2035 and is committed to delivering the energy transition for the benefit of consumers.

The AEC is a strong supporter of effective consumer protections that promote confidence in the energy market and enable informed participation in the energy transition. Our members are committed to ensuring that consumers are treated fairly, particularly in the context of emerging consumer energy resources (CER) technologies and evolving retail offerings. We see this process as a constructive opportunity to work collaboratively with the ACCC to identify any compliance or enforcement gaps within the existing framework and support any proportionate response that strengthens consumer outcomes while preserving avenues for appropriate market engagement.

While the AEC recognises that there have been instances of poor conduct associated with unsolicited selling and lead generation, these issues are best addressed through strengthened enforcement and compliance mechanisms rather than through wholesale changes to the current regime. The Australian Consumer Law (ACL) as it stands can manage the risks posed by these practices when properly enforced. In our experience, the most serious issues tend to arise on the periphery of current regulatory oversight.

Particularly for the energy sector, there are complementary reforms already underway that should be considered in parallel. The Commonwealths [Better Energy Customer Experiences](#) process is actively reviewing the consumer protections regime that underpins the relationship between consumers and the energy market. While focused on whether the National Energy Customer Framework (NECF) remains fit for purpose, it also will consider other related legislation, including the ACL. Our [submission](#) to this consultation noted our support for this process and emphasised the critical role of energy retailers as trusted enablers of customer participation in a future electricity system that is reliable and decarbonised. Separately, the Victorian Government is conducting their own [Consumer Energy Resources Consumer Protections Review](#).

Indeed, as the energy market continues to evolve and decarbonise, consumers will increasingly need to navigate new offerings such as batteries, smart meters, dynamic tariffs and home electrification upgrades. These transitions will require consumers to make decisions around products they may not be actively seeking or have even heard of. Here, there is a legitimate and beneficial role for proactive engagement in supporting informed uptake of these products provided that strong consumer protections remain in place. Historically, as the review notes, such practices have contributed to the increased

awareness and rapid uptake of rooftop solar, helping customers access information about government rebates and schemes they may not have been otherwise been aware of.

The AEC considers that to maintain a balance between socialising products necessary for the energy transition and the need for consumer protections, that the ACCC should focus on enforcement and resourcing rather than imposing blanket prohibitions. Indeed, most of the concerns raised in the review, particularly within the energy sector, describes conduct that already breaches existing rules. There may, however, be merit in exploring the need for government-backed accreditation or strengthened self-regulation as a means to lift standards and provide clearer differentiation between responsible operators and those acting outside community expectations.

Any questions about this submission should be addressed to Braeden Keen by email to braeden.keen@energycouncil.com.au.

Yours sincerely,

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