

March 2025

DESIGNATED COMPLAINT: UNSOLICITED SELLING

CONSUMER ACTION LAW CENTRE
Designated complainant under the
Competition and Consumer Act 2010

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About Consumer Action

Consumer Action is an independent, not-for profit consumer organisation with deep expertise in consumer and consumer credit laws, policy and direct knowledge of people's experience of modern markets. We work for a just marketplace, where people have power and business plays fair. We make life easier for people experiencing vulnerability and disadvantage in Australia, through financial counselling, legal advice, legal representation, policy work and campaigns. Based in Melbourne, our direct services assist Victorians and our advocacy supports a just marketplace for all Australians.

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Designated complainant contact details

Name	Consumer Action Law Centre Ltd
Contact person	Stephanie Tonkin CEO
Date of Designated Complaint	20 March 2025
Date of last Designated Complaint	None

Thanks and acknowledgements

Consumer Action thanks the following organisations across Australia for contributing their valuable insights. Where these organisations have provided case studies, we also extend thanks to their clients for sharing their stories.

Anglicare (WA)

Catholic Care (NT)

Citizens Advice Bureau (WA)

Consumer Credit Legal Service (WA)

Cumberland Multicultural Community Services (NSW)

Energy and Water Ombudsman NSW

Energy and Water Ombudsman VIC

Financial Rights Legal Centre (NSW)

Hume Riverina Community Legal Service (VIC)

Indigenous Consumer Assistance Network (QLD)

Legal Aid NSW

Salvation Army Moneycare (SA)

Upper Mallee Family Care (VIC)

Victorian Aboriginal Legal Service

We also wish to thank Susan Quinn and Declan Hayes for their assistance in research and writing of this complaint.

Acknowledgement of Country

Consumer Action respectfully acknowledges the Wurundjeri People of the Kulin Nation as the Traditional Custodians of the land on which we are located. We pay our utmost respect and give thanks to their Elders both past and present who continue to forge the path ahead for emerging leaders.

For over 60,000 years Aboriginal and Torres Strait Islander people treaded lightly upon this land, caring for country and walking with the spirits of their ancestors as they shaped its lands, waters, creatures and plants. We acknowledge the strength and resilience of the Aboriginal and Torres Strait Islander people and are humbled by the love and kindness they have shown in recent times when their own place within modern Australia was called to question.

At Consumer Action we acknowledge our own journey towards cultural safety and reconciliation. Through our learnings and reflections from talking to and working with some incredible First Nations people, we are learning the best outcomes are achieved when we adopt culturally safe practices that create time and space for First Nations people to share their stories. We are committed to understanding better the consumer, credit and debt issues that First Nations people are faced with. We work alongside First Nations experts in identifying the systemic and policy changes that will achieve a more equitable market for First Nations people.

(Confidential) Joan's story

1. Overview of the complaint

Joan is one of the many Australians who was cold-called or doorknocked by a keen salesperson one day, only to quickly find themselves bogged down in major financial stress.

Unsolicited selling and lead generation is a common practice across Australia, particularly in regional and remote areas. A recent survey conducted for Consumer Action by the Consumer Policy Research Centre (CPRC) found that 82% of people in regional Australia have directly experienced unsolicited selling, either through door-to-door sales and/or cold call.¹ Over decades, community lawyers and financial counsellors have helped hundreds of people who have experienced the damaging fallout of unscrupulous unsolicited selling.

Decades ago, it was life insurance, encyclopaedias, and cleaning products sold door-to-door. Today, there are the newer channels of telemarketing and online advertising. Government rebates are being exploited by unsafe sales and now Buy Now Pay Later (BNPL) finance makes larger purchases possible for many more households. The problem is currently magnified in the hard-selling of solar panels and other home products such as energy-efficiency technology door-to-door across Australia. However, this problematic conduct extends to other products such as appliances, home furnishings and fixtures, and services such as education.

This complaint details the core problems of unsolicited selling in Australia, and the harm it is causing to the people who are targeted.

The key findings of this complaint are:

- **This is a significant market issue for Australian consumers**, causing serious financial and personal harm to individuals.
- **This is also a systemic market issue**, as misleading and unfair selling can lead to consumers' mistrust, posing risks to the clean energy transition and therefore the Australian economy.
- **Government subsidies are being exploited as part of the harmful sales conduct**, with many people promised thousands of dollars in Government money.
- **Unsolicited sales and lead generation practices may be breaching multiple provisions of the Australian Consumer Law (ACL)**, including misleading and deceptive conduct, unconscionable conduct and protections specific to unsolicited consumer agreements.
- **There are cross-industry connections of suppliers, salespeople, lead generators, and finance providers**, who work together to expand the potential market for products, particularly solar today, with a result of heightened financial risks to the people targeted for sales.
- **BNPL finance is frequently being used to fund sales**, as it enables suppliers to sell expensive products to people who do not have the cash to make the purchase upfront.
- The harms are amplified due to the **nature of unsolicited selling being 'out of sight' and a dispersed industry** that requires much stronger regulation.

Unsolicited sales are causing significant financial and personal harm, and are predominantly harming more vulnerable people, including older people, people living in regional areas, on low incomes, with disabilities and/or with mental health issues. While the Victorian Government has made the welcome decision to remove unsolicited sales from government programs in Victoria, the issue continues to occur outside of these programs. Data collected from the CPRC survey reveals that unsolicited selling of solar panels and other products is still widespread in Victoria. This demonstrates to us that nothing short of an outright ban on unsolicited selling (and better

¹ CPRC conducted this research on behalf of Consumer Action. CPRC conducted a 5-minute online survey with n=1,000 regional Australians from all states from 17 – 24 January 2025.

regulation of lead generation) will stop the practice. Based on these findings we recommend that **the ACCC should:**

- After consideration of this complaint and its own data, **recommend to Government a legislative ban on unsolicited selling under the ACL, along with regulatory reform of lead generation practices;** or
- **If further research is needed, conduct a market study** to uncover the depth and breadth of the problems with unsolicited selling and lead generation, before recommending reforms to Government.
- **Take enforcement action** where appropriate.

2. How the issue relates to the CCA

Despite the existing (albeit limited) consumer protections in the ACL, harmful unsolicited selling practices continue across the country and have potentially breached a raft of consumer protections. They are not working. In addition to this, there is possible circumvention of the unsolicited consumer agreements (UCA) provisions of the ACL, via lead generation activity.

While many of the case examples included with this complaint demonstrate breaches to existing conduct obligations regarding unsolicited sales in the CCA, we consider that the existing legislation does not adequately address the issue, and risks of harm to consumers who experience unsolicited selling.

These potential breaches and circumventions are especially harmful towards people experiencing vulnerability.

a) General consumer protections

i. Misleading and deceptive conduct

Unsolicited sales conduct has potentially breached the prohibition on misleading and deceptive conduct under Pt 2-1 of the ACL.

Every person who has shared their story for the purpose of this complaint reports that a salesperson made statements which were untrue, and this has often led the consumer to sign the contract. Typical examples include the salespeople telling consumers that:

- the solar panels will be 'free' or 'cost nothing'
- they will get money from the Government – without first establishing if the consumer is eligible for a government subsidy
- the consumer's current solar panels are faulty – where there is no evidence of this
- even though the consumer already has solar panels, that their energy bills will be cheaper with new panels, or that they would not have any further energy bills
- the consumer will receive '15 cents to the dollar' through feed-in tariffs.

Salespeople also may have misled consumers by not providing vital details relevant the sales, including:

- not answering or deflecting questions about the product or financial aspects
- not disclosing the full cost of the solar panels and BNPL finance – which may also breach the ACL unsolicited consumer agreement provisions (see below)
- not telling the customer that they are entering into a BNPL contract

- forging the customer's details and signatures on contracts such as BNPL applications – this may also constitute forgery or obtaining financial advantage by deception under the criminal law, as the salesperson completed the sale as a result of the forgery and benefitted financially from the sale
- not providing documents such as the sales contract to the consumer, even when the consumer requested this multiple times – which may also breach the unsolicited consumer agreement provisions.

There have also been misleading statements in contracts we have seen. For example, one contract stated that the consumer could cancel within three days but was still liable for the full cost. Another contract had the cooling off notice crossed out. These are also potential breaches of the UCA provisions – see below.

ii. Unconscionable conduct

Unsolicited sales have potentially breached the prohibition on unconscionable conduct under Pt 2-2 of the ACL.

Unsolicited selling has been systematic. It appears to be targeted towards groups of people who are more likely to be vulnerable to pressure selling. Often, these groups of people will also suffer more financial harm by committing to buy the product. The types of sales practices that people have been subjected to, which may amount to unconscionable conduct, include:

- undue influence, pressure and/or unfair tactics used by dealers to sell products – true to some extent in every case that is part of this complaint
- pressure to sign documents which people do not understand and/or which mislead people about the contents of documents
- selling expensive products, which typically cost more than the same or similar goods sold through other businesses
- sellers not acting in good faith, for example, using pressure selling techniques on people who are more vulnerable to these tactics and/or who clearly do not want the products, and
- deleting mandatory cooling off periods from contracts.

b) **Unsolicited consumer agreements**

There is significant evidence of unsolicited and lead generation practices which may breach the UCA provisions in ACL Pt 3-2 Div 2.

These provisions are directed at certain kinds of 'unscrupulous sales practices' where the consumer does not request the goods or services but is approached at home or in another place where they are 'vulnerable to the sales practices employed'.²

An unsolicited consumer agreement is (ACL s 6g):

- a contract for the supply of consumer goods or services
- negotiated (in whole or part) outside the supplier's place of business, or by telephone
- where the consumer did not invite the dealer to come to the place or make the call to negotiate the sale of that particular product or service, and
- the total price is not ascertainable or is over \$100.

² *ACCC v ACN 099 814 749 Pty Ltd* [2016] FCA 403 at [122] per Reeves J.

There is a presumption that agreements are UCAs, rebuttable by the supplier (ACL s 70).

We see two types of conduct that are problematic under the UCA requirements:

1. **Unsolicited selling**, where consumers are approached at their homes or cold-called by telephone and pressured into entering contracts, potentially in breach of multiple provisions of the UCA provisions, and
2. **'Lead generation'** that may circumvent the UCA requirements. Typically, a business uses a salesperson (in-person or over the phone), or online form or social media offer to gain a consumer's consent to be contacted and/or to make an appointment for a salesperson to come to their home 'invited'. The salesperson then comes to their home and closes the sale, using high pressure sales tactics – but the consumer may not have all of the protections of the UCA provisions.

The complex problem of sales which 'look and feel' like unsolicited consumer agreements but exist in a legal grey area – possibly falling outside the UCA provisions – is longstanding and was detailed in Consumer Action's report *Do Not Knock*, in 2017.³ Consumer Action sees significant uncertainty in the law.

This complaint includes the stories of people who have experienced both types of sales. Both types of sales have a high risk of consumers being pressured into buying unaffordable products that they do not want, with prices and payment arrangements that they do not understand.

i. Sales practices

Salespeople's conduct which may have breached the unsolicited selling provisions includes:

- **Not giving required information:** Salespeople have not clearly stated when arriving at a person's home that their purpose is to seek agreement to supply goods or services, and that they are obliged to leave the premises immediately on request. They have also not provided prescribed information about their identity. This conduct may breach ACL s 74 (Disclosing purpose and identity). This type of breach extends the cooling off period to three months (ACL s 82(3)(c)).
- **Refusing to stop selling:** Salespeople have refused to leave a person's house immediately when requested, or making contact again within 30 days to make a sale, potentially in breach of ACL s 75 (Ceasing to negotiate on request). This also extends the cooling off period to three months (ACL s 82(3)(c)).
- **Not informing consumers of cooling off rights:** Salespeople have failed to tell the consumer that they can terminate the agreement in the cooling off period, and how they can do this, potentially in breach of ACL s 76 (Informing person of termination period etc. This type of breach extends the cooling off period to six months (ACL s 82(3)(d)).
- **Failing to supply signed documents:** Salespeople have not given signed agreements – including sales contracts and BNPL contracts – to consumers immediately, in potential breach of ACL s 78 (Requirement to give document to the consumer). In one case, a supplier did not provide the signed documents at all, even when the consumer requested them multiple times.

We note that the suppliers of goods are liable for their dealer's (individual salespeople's) contraventions of the (ACL s 77).

³ Consumer Action, [Do Not Knock](#), 2017, pp 64-69.

ii. Consumer agreements

In addition to salespeople's conduct, we have seen a raft of issues with the documentation used by companies engaging in unsolicited sales. This has included:

- **Total price missing:** Contracts have not set out the full terms of the sale, including total price or how this is calculated, in possible breach of ACL s 79 (Requirements for all unsolicited consumer agreements etc.).
- **No cooling off information or incorrect information:** Multiple people's contracts have not included a 'conspicuous and prominent' notice on the front page of agreement of the right to terminate the contract, which may breach ACL s 79. This complaint includes cases where a person's contract stated that the consumer could cancel within three days but was still liable for the full cost and where the ten-day cooling off period had been crossed out in the contract. These examples are also potentially a breach of the prohibition on misleading and deceptive conduct (see above).

iii. Post-contractual conduct

- **Refusing to accept termination by the consumer:** Multiple people have tried to cancel their contracts, after reporting feeling they have been pushed or tricked into signing, and had to battle with suppliers who have told them that they can't get out of the contract or have put up barriers to them doing so.
- **Supplying goods within the cooling off period:** Many people report having felt forced into having solar panels installed on their homes shortly after signing the contract, in breach of the UCA prohibition on supplying goods and services within the cooling off period under ACL s 86 (Prohibition on supplies etc.). For some people, the installation happened fewer than ten business days after signing the contract. Because some breaches of the UCA provisions extend the cooling off period, many people had panels installed on their homes during the extended cooling off period, potentially in breach of s 86.
- **Failure to immediately refund consumer who cancels contract:** We have seen a pattern of consumers not only having to fight suppliers to terminate their contracts but also having to push suppliers to repay money that they owe, or to discharge debts (typically BNPL). This potentially breaches ACL s 87 (Repayment of payments received after termination). Often people struggle to get traction until they get some hands-on support from a friend or family member, a local Member of Parliament, a financial counsellor or a community lawyer.
- **Pursuing consumers for debts after termination:** Because suppliers and BNPL providers refuse to acknowledge consumers' valid notices of termination, they have potentially breached the prohibition on pursuing debts after termination of the contract under ACL s 88 (Prohibition on recovering amounts after termination). One couple was pushed into signing a contract, promptly cancelled the contract over the phone, then the couple was visited again by the salesperson and unknowingly forced to re-enter the contract. They tried unsuccessfully to refuse tradespeople access to install the panels, then eventually stopped paying by closing the bank account that their BNPL payments were being direct debited from. The supplier then engaged a debt collector who is pursuing the debt in the State Magistrates' Court.

Other conduct observed by frontline caseworkers which has potentially breached the UCA requirements but is not present in specific case studies submitted along with this complaint includes:

- non-compliance with the requirement for the consumer to sign and the person acting on supplier's behalf to sign and include their address (ACL s 80)
- breach of the requirement for any amendments to the contract to be signed by both parties (ACL s 81)
- breach of various obligations the seller has when the contract is terminated (ACL ss 82, 83 84 and 85)

- sellers purporting that consumers have waived their rights, when consumers are deemed not competent to do this (ACL s 90).

c) Relevant powers or functions of the ACCC

We have outlined below the powers which in our view the ACCC should use in response to this complaint. This includes recommending law reform to Government and, if more research is needed, first undertaking a market study, and taking enforcement action if warranted.

We note that the issues raised in this complaint has links to the ACCC's 2024-25 compliance and enforcement priorities, including:

- misleading pricing and claims in relation to essential services, and
- unfair contract terms, in particular cancellation terms.

This complaint is also squarely within the ACCC's enduring priority of prioritising conduct that impacts consumers experiencing vulnerability or disadvantage.

3. Significant or systemic market issue

Cold calling has become such a huge part of society. People hate it – can't we just stop this all together, so people don't have to keep calling us for things? That would be really great – to make these kinds of sales illegal.

Consumer Action client

The problems caused by unsolicited sales and lead generation are a significant and systemic market issue. The use of these practices in the solar panel industry exemplifies some of the worst aspects. However, that industry is a symptom of the widespread problems with unscrupulous lead generation and unsolicited selling of many products or services.

a) Significant market issue

A significant market issue for consumers is marked by:

- **important or serious impact** on consumers, and
- a need for **urgent attention to avoid harm** to Australian consumers,
- being likely to:
 - **substantially, negatively impact a sizeable group** of consumers,
 - cause a **high level of detriment to a particular group** of consumers.⁴

i. Important or serious impact on consumers

Unsolicited selling has alarming and harsh impacts on the people targeted.

⁴ Competition and Consumer Amendment (Fair Go for Consumers and Small Business) Bill 2024, Explanatory Memorandum, para 1.73.

The stories in this complaint and the community sector's long history of supporting people in similar situations show that the outcomes of unscrupulous unsolicited sales are complex and weigh heavily on people's lives. These consumer harms are detailed below. Typically, people are unwillingly and even unknowingly trapped in large debts, often BNPL contracts, and experience severe financial strain and personal stress as a result. They lose trust in others and confidence in themselves. The financial impacts of ruthless sales practices are compounded by the current cost of living pressures and felt more sharply by people who are often stretched financially when they are targeted by unsolicited sales.

ii. Need for urgent attention

This identified problem is ongoing and current, with unscrupulous door-to-door solar sales being reported to Consumer Action's lawyers as recently as February 2025.

People trapped in these contracts are rapidly falling deeper into financial hardship and debts, which may leave them open to distressing debt collection practices, court action and bankruptcy. Given that most people affected are homeowners, these debts are also putting their homes at risk.

The experience of caseworkers across Australia shows that problematic unsolicited sales need urgent action to address the existing harm and avoid more people being driven into financial stress.

iii. Substantial detriment to a vulnerable group of people

While the survey conducted by CPRC for Consumer Action in January 2025 found that a large number of people across different regional areas and demographics are targeted by unsolicited selling, we see people who make purchases and are often in situations which make them more vulnerable to pressure selling, and more harshly impacted by the outcomes. They often find it difficult to navigate and enforce their own legal rights, for a range of reasons.

The specific vulnerabilities and harms that people are facing are detailed below. The people who we typically see on our frontlines are often living outside major cities, living on low incomes (often Centrelink payments), older people, and may also be living with disabilities and/or mental health issues.

b) Systemic market issue

A systemic market issue for consumers is one which:

- **affects a large group** of Australian consumers
- arises in **one or multiple markets**
- causes significant disruption or cost to Australian consumers, due to the large size and/or interconnectedness of companies, which leads to **widespread impact and adverse outcomes**, or
- the **potential to adversely impact the Australian economy**.⁵

The structure of unsolicited sales in the new energy industry, the widespread activity across Australia, and the interaction with Government incentives and the broader clean energy transition point to this being a systemic market issue.

⁵ Competition and Consumer Amendment (Fair Go for Consumers and Small Business) Bill 2024, Explanatory Memorandum, para 1.74.

i. Large group of consumers

Unscrupulous unsolicited selling is a nationwide problem affecting a large number of people in Australia, beyond just the solar industry. The available data supports the detailed observations of caseworkers over many years.

For example, the January 2025 survey by CPRC for Consumer Action found that 82% of people in regional Australia have directly experienced unsolicited selling, door-to-door and/or by telephone. See below for details of the widespread harm this has caused (under 'Specific examples of harm: Research and data').

Furthermore, the Victorian Government released complaint data relating to telemarketing and doorknocking in its Victorian Energy Upgrades program, as part of its consultation process to ban unsolicited sales from the program. The Regulatory Impact Statement stated that the ESC had received 1,143 telemarketing and 265 doorknocking complaints under the program since 2020.⁶ With this data relating to only one program in one state, the actual scale of complaints related to unsolicited selling is likely to be many times larger. Although we have not been able to obtain public data from state Consumer Affairs bodies, we understand they are receiving hundreds of complaints about unsolicited selling annually, further speaking to the scale of the problem.

ii. Arises in multiple markets

Based on the casework experience of community lawyers and financial counsellors over many years, it is clear to us that this issue is arising in multiple jurisdictions. Further to this observation, this complaint includes identified case studies from regional Victoria, regional NSW, and far north Queensland. Additional deidentified case studies are provided relating to unsolicited sales in Victoria, NSW, and WA. Furthermore, in preparing this complaint we have received insights from organisations providing casework in the NT, NSW, QLD, SA, VIC, and WA.

iii. Widespread adverse outcomes

Unsolicited selling spans a wide range of industries and products. The structure of Australia's door-to-door solar sales industry (which most case studies submitted along with this complaint relate to) exemplifies the web of connections between businesses and conduct in this industry. In the solar and new energy technology industry, together, the practices of suppliers, salespeople, installers, and finance providers accelerate and expand the harm to consumers. Based on our research, the industry is comprised of specialist operators including:

- solar panel suppliers, which are often small to medium businesses operating out of capital cities,
- lead generation and direct sales companies, although some suppliers appear to operate without these, and
- BNPL providers.

Lead generators and salespeople are using well-known sales techniques that induce people to buy products that they have not sought out. These techniques have long been used to sell a range of products door-to-door, with solar products being the latest 'trend.'

In researching this report, we reviewed job ads for roles in the solar industry across New South Wales, Victoria, Queensland and Western Australia.⁷ Job advertisements for lead generation roles and some sales roles are targeted at people with no direct experience, and often people who are who are new to Australia, including young travellers. These roles appear to be predominantly or wholly commission-based, with significant incentives to

⁶ Department of Energy, Environment and Climate Action, *Telemarketing and doorknocking ban under the Victorian Energy Upgrades program: Regulatory impact statement*, February 2024.

⁷ Review of job advertisements on seek.com.au, December 2024.

make leads and sales. Some advertisements indicate pay of \$100,000 - \$300,000 per year – suggesting very high incentives and targets for salespeople.

The door-to-door sales model is typically high-effort with a low sales conversion rate – meaning it may only be viable for the sale of high-value products. This is because BNPL enables suppliers to sell expensive products to people who do not have the cash upfront, 'driving' the expansion of sales. The Government recently moved to regulate BNPL in a comparable way to traditional credit. We recommend that an ACCC market study looks at any changes to the commercial arrangements that BNPL providers have in the unsolicited sales industry (see further below).

The specialised and interconnected nature of these companies, the Government incentives, sales targets, and commission-based remuneration at play, plus the lack of oversight at the doorstep, has likely bred the ideal conditions for an explosion of poor conduct and harmful impacts on consumers.

iv. Potential adverse impact on the economy

The unsolicited sale of solar products poses broader risks to the Australian economy by degrading trust in the solar industry and Government schemes and discouraging people from participating in the transition to clean energy.

In almost all door-to-door sales, the salesperson told the consumer about a government contribution, rebate, or subsidy. Typically, people were promised thousands of dollars in Government rebates. This is clearly financially attractive and can lend a sense of legitimacy or authority to the seller/supplier. Figure 1 is a screenshot of a social media message encountered by one of Consumer Action's staff, demonstrating how industry is using this messaging to generate leads.



Figure 1. Screenshot of social media advertisement using offer of government contribution to generate leads.

Unsolicited selling of solar panels and products under Victoria’s Solar Homes and Energy Upgrades program (via telemarketing or door-to-door) was banned under Government incentive programs in Victoria over the past several years.⁸ This decisive action was taken to protect consumers and to promote professional conduct in the industry. It also addresses the reputational damage to Government programs. However, the CPRC survey data reveals that unsolicited selling of solar panels and other products is still widespread in Victoria. This demonstrates to us that nothing short of an outright ban on unsolicited selling (and better regulation of lead generation) will stop the practice.

In addition to the high-pressure sales practices, solar sales invariably involve BNPL, and some large providers have partnered with State Governments on schemes⁹. The involvement of these providers is central to the current business model, lands consumers in significant and unaffordable debt, and risks the integrity of Government schemes.

Given the importance of rooftop solar in Australia’s broader clean energy transition, unscrupulous practices such as selling to people who already have solar panels, (or in one case we have heard of, the purchasers were tenants), are completely out of line with the goals and importance of Government solar incentive schemes.

The widespread poor practices in this industry are therefore:

- damaging consumer trust in the market,
- detracting from the advantages of rooftop solar for homeowners and the energy grid, and
- undermining efforts to transition Australia to clean energy sources.

4. Details of issue and industries involved

a) Nature of the issues and conduct

As detailed above, the core issues emerging in relation to unsolicited sales (primarily in relation to solar panels) present in the stories and data detailed in this complaint are:

- Sales are being made to people who are vulnerable to financial stress.
- Suppliers are selling expensive goods which are unaffordable to the people being targeted.
- Salespeople are using high-pressure sales techniques on people who may be more vulnerable to this, for example, due to mental health or cognitive issues.
- There appears to be widespread non-compliance with the unsolicited consumer agreements provisions of the ACL, either through:
 - suppliers circumventing the definition of ‘unsolicited consumer agreement’ (ACL s 6g) by using lead generation, and purporting to have the consumer’s invitation to come to their home and sell the products,
 - salespeople failing to comply with the specific requirements of the UCA provisions, and/or
 - sales contracts not containing prescribed consumer information, and/or containing incorrect or misleading information.

v. Business strategies

Based on conversations with Consumer Action clients, for solar panel sales, we believe that suppliers are arranging for salespeople to go into selected regional and rural communities across Australia and systematically doorknock

⁸ The Hon Lily D’Ambrosio MP, [Media Release: Banning Pressure Sales Tactics For VEU and Solar](#), 1 May 2024.

⁹ Under its Sustainable Household Scheme, the ACT Government has partnered with Brighte to provide zero-interest loans for energy-efficient home upgrades. [Sustainable Household Scheme - Climate Choices](#)

multiple homes. These anecdotal reports are reflected in public statements from the industry. For example, [Climasolar's website](#) says:

We approach our marketing with a community-first mindset, targeting one area at a time. This strategy allows us to deeply understand the local demographics, engage effectively with our customers, and build strong community ties.

Our streamlined marketing process cuts down on travel and labour expenses and enables us to deliver a personalized experience, guiding families through each phase of their transition to sustainable energy solutions.¹⁰

b) Nature of the industries involved

We outlined above the specialist industries involved in door-to-door solar sales.

Confidential Table 1 below identifies the key industry participants, their primary business/role, and their connections with other participants, which have been noted in case studies provided along with this complaint.

c) Involvement of BNPL

"One of the issues is that the financing aspect removes the customer from the Energy Framework and our jurisdiction. It's a glaring black hole."

Quote from EWO representative

As mentioned earlier in the complaint (see under 'Widespread adverse outcomes'), a significant issue that we believe warrants investigation is the involvement of BNPL finance providers in unsolicited sales. As evident from the case studies accompanying this complaint, BNPL finance is present in most of the unsolicited sales cases presenting to community lawyers and financial counsellors. In the cases seen by us and our partners, people commonly report not being told they are entering into a BNPL contract and in many cases cannot afford to repay the loan.

Until very recently, BNPL has been an unregulated credit product and lesser regulation has enabled suppliers to sell expensive products to people who do not have the cash upfront, and who may not have passed credit checks required when applying for traditional credit. Recent reforms to the regulation of BNPL (passed in late-2024) may affect the role of BNPL in door-to-door selling, however this is not certain. To better understand the role BNPL has played in unsolicited sales, we recommend that the ACCC works with the Australian Securities and Investments Commission (**ASIC**) on its recommendation and/or market study to specifically look into commercial arrangements that BNPL providers have in the unsolicited sales industry, as well as any changes likely as a result of recent reform.

d) Products and services

While most of the stories in this complaint are from people who were sold solar panels, Consumer Action and other casework organisations have assisted people who were sold many other products via telemarketing and in their homes, including:

- other new energy technology such as batteries
- air conditioning units

¹⁰ Climasolar, [Community Bulk Buy](#), accessed 18 December 2024.

- recliner chairs
- roller shutters
- vacuum cleaners
- photography packages
- online education courses
- financial products such as consumer leases, life insurance and funeral insurance, particularly in First Nations communities.

5. Details of consumer harm

I couldn't sleep for nights. It worries me that we won't be able to afford that money on a pension, with everything going up – our house insurance, rates, water, power, food - it's getting dearer every day...

Consumer Action client

a) Harm and/or potential harm

The harm caused to people targeted by unscrupulous unsolicited selling can touch every aspect of their lives. Often the people harmed by unsolicited selling are already facing tough financial circumstances and health issues. The stress of being pushed into buying an expensive product they don't want, and being laden with debt, follows them every day.

b) Consumer vulnerability and disadvantage

Across Australia, there are some common factors in who is disproportionately impacted by unsolicited sales activity. Some of the main demographics of the people who caseworkers have assisted are:

- **People living outside cities:** 90% of people Consumer Action assisted with problems with solar/new energy sales in 2023-24 lived in regional Victoria. People living in small regional and rural towns can be quite isolated. It can be harder for them to access cheaper and higher-quality products, and information about the products, than in the cities.
- **People living on low incomes:** People are living on lower than the average Australian income – often the Age Pension or Disability Support Pension. The median annual income of the people Consumer Action assisted with problems with solar/new energy sales in 2023-24 was \$28,200. Eighty-one percent were unemployed and 71.5% were receiving the Age Pension, Disability Support, Carer's payment, or JobSeeker. Expensive products with repayments that eat up a large chunk of their tight budgets are clearly unsuitable and exploitative.
- **Older people:** A substantial number of people are retired, or at retirement age (the average age of people Consumer Action assisted with solar/new energy problem sales in 2023-24 was 67 years old). This may be because they are more likely to own their own homes,¹¹ living regionally, and may be home more often during the daytime. This was supported by one EWO representative we spoke to who said, "People on a pension may be more vulnerable to unsolicited sales of CER, as they have access to rebates and may be more likely to own their own homes, enabling them to install CER."

¹¹ In 2017–18, 92% of older couple households (with a person aged over 65) and 75% of older lone person households were home owners, compared to 66% of all Australian households in 2019-2020: Australian Institute of Health and Welfare, [Older people: Housing and living arrangements](#), last updated 2 July 2024; Australian Bureau of Statistics, [Housing Occupancy and Costs](#), 25 May 2022.

- **People living with disability:** A considerable number of people are living on the Disability Support Pension, for example, due to physical disabilities or acquired brain injury. Of the people Consumer Action assisted with problems with solar/new energy sales in 2023-24, a conspicuous proportion of clients, 65%, disclosed that they had some kind of disability. This has meant they may have been more vulnerable to pressure selling, or did not understand what they were signing up for.
- **People living with mental health issues:** Several people were experiencing severe symptoms of mental ill-health when they were sold solar products at their home. They tell us they believe the salesperson would have known that they were unwell. Their mental health at the time made them more vulnerable to pressure selling, and sometimes meant they did not fully understand what they were signing up for. It also meant they found it extremely hard to pursue their own legal rights when they wanted to terminate the contract.

c) Specific examples of harm

i. Research and data

Unsolicited sales appear to be ongoing and causing harm, evidenced by:

- Our January 2025 survey conducted by CPRC found that, in just the past 12 months, 63% of regional Australians have had a salesperson telephone them and 44% have had a salesperson come to their home. Twenty percent made a purchase.
- Of the regional Australians who have experienced unsolicited selling:
 - 40% felt pressured to buy something,
 - 26% felt pressured to hand over personal information (e.g. phone number or name).
- The volume of reports to casework organisations over the past three years, evidenced by case studies accompanying this complaint.
- The involvement of four BNPL providers (noted in case studies compiled for this complaint), that are issuing consumer credit in connection with at least six sellers across Australia.

Consumer Action has also published well-established qualitative evidence that the problem is longstanding and widespread. In 2017, Consumer Action's [Knock It Off](#) report identified three 'consumer harm hot zones':

- solar panel retail sales,
- sales in remote Indigenous communities, and
- 'invited' in home sales.

It is clear that the harms caused in these three areas has continued, in the absence of any systemic approach to the problem.

Knock it Off made clear findings and recommendations which we draw the ACCC's attention to, as they apply equally today to this complaint. The report outlined findings and recommendations including:

- Consumer detriment caused by harmful unsolicited sales is significant and persistent.
- Vulnerable consumers appear to be disproportionately affected by harmful unsolicited sales.
- The efficacy of the 'cooling-off' protection is highly questionable, and it seems largely an ineffective consumer protection.
- The unsolicited retail sale of solar panels is causing significant consumer harm.

While at the time of publication of this report we recommended trial of an 'opt-in' model, we are no longer supportive of this approach. The CPRC survey illustrates that the partial ban on telemarketing and door knocking in the Victorian Government's programs has not stopped high numbers of unsolicited selling of solar panels in Victoria¹². Based on our casework experience of continued harmful sales practices since 2017 we now believe there would still be an unacceptable risk of non-compliance or arbitrage under an opt-in model. It could rely on consumers to understand the opt-in requirements, and demand compliance by unscrupulous sellers, or sellers who do not understand the law. This is unrealistic. An outright ban on unsolicited sales would provide more certainty for consumers and sellers.

After the *Knock it Off* report, the problems inherent in solar sales industry persisted. Consumer Action followed up with our report [Sunny Side Up](#) in 2019, which made recommendations to resolve the issues specific to solar panel sales. The recommendations to tackle problematic sales included:

- National consumer credit laws should be amended so that all BNPL arrangements fall within their ambit. Since 2019, BNPL has continued to enable the widespread, harmful sale of solar panels and other new energy products. Recent reforms to the regulation of BNPL (passed in late 2024) may affect the role of BNPL in door-to-door selling.
- Unsolicited sales should be banned. This recognised that the problems were so entrenched that tinkering with sales models would not tackle the core of the problem.
- The jurisdiction of the Energy and Water Ombudsman Victoria (EWOV) should be extended to include the retail sale of new energy products and services, including, for example, solar panel purchase agreements.
- A solar default fund should be established to provide compensation to those entitled to compensation but unable to access it due to the insolvency of a solar retail business.

i. Most Australians want unsolicited selling banned

Most Australians view the practices of unsolicited selling negatively. In [2016](#), Consumer Action commissioned a poll of 1056 people¹³ which found:

- **Three-quarters of Australians wanted door-to-door selling banned:** (76.9%) of Australians agreed that unsolicited sales should be made unlawful.
- **People most likely to be targeted were keener to see it banned:**
 - 84.4% of people aged over 50
 - 91.3% of people who were widowed
 - Australians that worked part-time or did not work outside the home (82.7% / 80.7%) were more likely to support a ban than those who work full-time outside the home (69.9%).
- **More than eight in 10 Australians had a negative opinion of unsolicited sales:** 81.2% had a negative opinion of unsolicited sales, rising to 90.2% of people over the age of 50.
- **A tiny minority have a positive view:** Only 5.4% of Australians have a positive view of unsolicited sales, dropping to 1.2% for people over 50.

In a [similar survey in January 2012](#), 77% of Australians had negative views on unsolicited selling, meaning the negative perception had increased from an already very high base.

In the UK in 2003, a poll of 9,000 people found overwhelming support for an outright ban:

¹² In the CPRC research commissioned by Consumer Action, 90% of Victorian respondents reported direct experience of unsolicited sales in person or over the phone, the highest proportion of any state or territory.

¹³ Consumer Action, *New Polling: 3 in 4 Australians want ban on door-to-door sales*, 25 May 2016, <https://consumeraction.org.au/new-polling-3-4-australians-want-ban-door-door-sales/>.

- 95.7% percent of people backed a ban on door-to-door sales
- two-thirds of people complained of unsolicited calls in the previous three months, and
- Twenty-one percent of people bought a product or service, and more than a quarter of those people said they were unhappy with the outcome.¹⁴

Consumer Action was fortunate to be assisted by a multitude of very experienced caseworkers and others in community and Government organisations when preparing this report. A number of these contributors concluded that a ban on unsolicited sales was the only effective solution to the ongoing harms they are witnessing.

d) Case studies

Multiple people have shared their stories for this complaint at confidential Appendix 1 – most in the hope that they can help to stop the same thing happening to other people.

6. Key contextual information

a) Interactions with industry participants

Consumer Action and other casework organisations typically assist consumers by:

- providing advice on their legal rights and options, and
- helping to draft letters to terminate the contracts. These letters typically set out the supplier's and BNPL provider's alleged breaches of the law and other regulation, such as the BNPL industry's own Code.

b) Size, scale, and broader impacts

As outlined above, the size and scale of the problems caused by unsolicited selling are widespread. The solar sales industry in particular is characterised by:

- **Small to medium businesses:** A range of small to medium private companies are selling and installing solar products across Australia. This complaint identifies six such suppliers who have engaged in harmful conduct towards consumers.
- **Several BNPL providers:** This complaint identifies four BNPL providers which are partnering with solar suppliers.
- **Focus on regional and rural Australia:** The focus on regional and rural areas appears to be a pattern across Australia, with the January 2025 survey conducted by CPRC for Consumer Action showing that four in five regional and rural Australians have been targeted by unsolicited selling.

While door-to-door selling of a wide range of products has caused significant detriment to consumers, as detailed above, the sale of solar products currently poses particular risks to consumers and the wider Australian economy. As one EWO staff member expressed to us, "*CER products and technology (for example batteries, solar, among others) are much too complex to be selling door to door, or via unsolicited sales; it's simply inappropriate. In fact, it is often too complex even for consumers who are interested, informed or energy educated. It is very difficult to know if a product would be to the benefit of a customer.*"

¹⁴ Matthew Beard, [Death of the door-to-door salesman: Householders urged to blow whistle as trade body seeks a ban](#), *The Independent*, 23 April 2003.

c) Current or previous reviews

Consumer Action is not aware of any substantive formal inquiries or reviews into the issue of unsolicited selling in Australia.

In 2013, the Federal Court of Australia fined energy retailer AGL and its marketing company a combined \$1.755 million, when their salesperson ignored a 'Do Not Knock' sticker on a person's front door. The sticker was held to be a valid request to leave the premises.¹⁵

One of our clients was door knocked and was sold an expensive vacuum cleaner despite having a 'Do Not Knock' sticker on her home. Assuming that she is not the only person to experience this, the 2013 decision, and the Do Not Knock campaign more broadly, has not stopped this type of unlawful conduct across the industry. Despite the effectiveness of the Do Not Knock sticker, in our view the widespread harms outlined in this complaint warrant legislative reform.

d) International issues and regulatory responses

The industry practices and significant harms to consumers in Australia are like those in other jurisdictions. While some jurisdictions have acted to restrict door-to-door sales, or put in place stronger consumer protections, there is no clear evidence of highly effective regulatory interventions in overseas markets. This again supports our recommendation that nothing short of a complete ban will be effective.

We have focused on the United Kingdom (and European Union) and Canada, as jurisdictions with some potential lessons for Australia.

i. United Kingdom

The problems with unsolicited selling in the UK are longstanding. In 2002, the UK Citizens Advice Bureau (CAB) reported extensively on door-to-door sales and laid out many identical experiences to those in this complaint. For example, CAB noted that the underlying causes of the problems they assisted people with were:

*First consumers may have a problem because they have limited rights in law; second, they may be unaware of their rights; third they may lack the skills and confidence to enforce their rights and fourthly the trader may deliberately set out to avoid the consumer enjoying their statutory rights.*¹⁶

In 2003, the then UK Trading Standards Institute proposed banning door-to-door sales of property services such as roof repairs and double-glazing, however this did not eventuate.

The UK has also established 'No Cold Calling Zones',¹⁷ to reduce the number of unwanted and uninvited callers selling goods or services door to door. This can be done in areas where there is a history of doorstep crime or burglary, and a vulnerable population in a geographical area.

Telemarketing has also been identified as posing a high-risk of harm to consumers. For example, in 2023, the then-Government proposed a ban on unsolicited telesales of consumer financial products and services, due to the high risks of scams.¹⁸ The goal was to send a clear public message that legitimate providers of financial products and services will not cold call people to sell their products.

Some key features of the UK's regulation of unsolicited selling are notable:

¹⁵ ACCC, [Media release: Court confirms salespeople must not ignore 'do not knock' signs](#), 11 October 2013.

¹⁶ UK Citizens Advice Bureau, [Door to Door: CAB clients' experience of doorstep selling](#), September 2002, para 1.3.

¹⁷ Public Protection Partnership, No Cold Calling Zones, <https://publicprotectionpartnership.org.uk/trading-standards/no-cold-calling-zones/>.

¹⁸ [Consultation: Ban on cold calling for consumer financial services and products](#), 2 August 2023.

- the broader net cast via the definition of 'off-premises contract' (which reflects the relevant European Union Directive) compared with the ACL's 'unsolicited consumer agreement'
- stronger cooling-off rights and consequences for breach, and
- the requirement for door-to-door sellers of physical products to be licensed.

In the UK an 'off-premises contract' covers a range of scenarios where the consumer signs a contract outside of the seller's business premises.¹⁹ Prior to this, in 2008 sales in a consumer's home or workplace were covered by cooling off rights, even if the consumer technically asked the salesperson to visit (for example, by agreeing to make an appointment). After this change was made in the UK, the then Office of Fair Trading estimated that consumers saved £8.5 million a year, by more people exercising their cooling off rights.²⁰ Consumers surveyed also reported that the ability to cancel unwanted purchases had improved their confidence when buying on the doorstep. This was estimated to have boosted doorstep sales by about £57 million pounds a year.

The UK also has stronger consequences for not informing consumers of cooling off rights. If the salesperson does not tell the consumer about their right to terminate the contract in the 14-day cooling off period, that period extends to 12 months. Failure to comply with the requirement to notify of cooling off rights is also punishable by an unlimited fine and up to 2 years imprisonment.²¹

Finally, the UK requires people selling physical products door-to-door to be issued with an annual 'pedlars certificate,' for a small fee. However, there is no obligation to proactively show anyone this certificate, and it is only required for people actually selling the products.²² In our view, the pedlars certificate requirement could be counterproductive as a consumer protection – it is only required in limited circumstances and conveys authority and legitimacy without any vetting or qualifications.

The UK's door-to-door selling requirements also have a raft of exceptions (such as goods and services worth £42 or less; passenger travel tickets; National Health Service prescriptions and treatment; financial services such as pensions and credit; gambling; and package holidays and timeshares).²³

Despite the UK's broader protections, they continue to see similar problems to those experienced by Australian consumers.

ii. Canada

Relevant laws in Canada vary between the provinces. The laws include cooling off periods and, in some provinces, a requirement for door-to-door sellers to be licensed, as well as bans on the door-to-door sale of certain types of products.²⁴

For example, in 2018 Ontario banned the sale of products including air conditioners, furnaces, water heaters and treatments, and duct cleaning services.²⁵

Alberta also banned the sale of furnaces, water heaters and electricity contracts in 2017, but quickly identified unlawful activity including:

- salespeople misrepresenting themselves as agents of a local utility or municipality,
- selling light bulbs or furnace filters to get inside a home, then selling a banned product, and

¹⁹ *Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013* (UK) s 5 and Directive 2011/83/EU Article 2, cf ACL s 69.

²⁰ Office of Fair Trading, [Evaluating the impact of the 2004 OFT market study into doorstep selling](#), April 2012.

²¹ [The Consumer Contracts \(Information, Cancellation and Additional Charges\) Regulations 2013](#) (UK).

²² [Pedlars Act 1881](#) (UK).

²³ [The Consumer Contracts \(Information, Cancellation and Additional Charges\) Regulations 2013](#) (UK).

²⁴ Government of Canada, [Door-to-door sales](#).

²⁵ Government of Ontario, [News release: Ontario Ban on Door-to-Door Sales in Effect as of March 1st](#), 23 February 2018.

- saying they are conducting a survey or inspection so the customer can qualify for a rebate, which does not actually exist.²⁶

The experience of regulation in Alberta highlights the fact a ban on the door-to-door sale of only specified products or services will inevitably leave loopholes for unscrupulous sellers and create confusion and uncertainty for people who are targeted.

e) Recommended ACCC action

From the experience of our lawyers and financial counsellors, and the experience of our partners, it is clear that **unsolicited sales are causing significant financial and personal harm. This is occurring across the country and impacting large numbers of consumers. It is also predominantly harming more vulnerable people**, including older people, people living in regional areas, on low incomes, with disabilities and/or with mental health issues. This is a long-standing issue, that has not abated despite previous attempts at reform. Based on what we have outlined in this complaint, we recommend that **the ACCC should:**

- After consideration of this complaint and its own data, **recommend to Government a legislative ban on unsolicited selling under the ACL, along with regulatory reform of lead generation practices;** or
- **If further research is needed, conduct a market study** to uncover the depth and breadth of the problem, before recommending reforms to Government. The objective of this study would be to get a clear picture of the drivers behind harmful selling. This would include details of the companies, business models and sales practices, including lead generation, involved in unsolicited selling of solar and new energy products, as well as other products and services identified in this complaint. From this study, the ACCC would be able to identify specific breaches of the ACL, inform industry or consumer-focused activities, and recommend effective regulatory reforms.
- **Take enforcement action** where appropriate.

²⁶ CBC News, [Door-to-door sales scams continue despite Alberta ban](#), 21 February 2017.