K&L GATES

COMPETITION & CONSUMER LAW ROUND-UP

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What's Inside This Issue?

This edition of the K&L Gates "Competition and Consumer Law Round-Up" provides a summary of recent and significant updates from the Australian Competition and Consumer Commission (ACCC), as well as other noteworthy developments in the competition and consumer law space. If you would like any additional details about the issues outlined in this newsletter or wish to discuss them further, please reach out to any member of the K&L Gates Competition and Consumer Law team (listed in the left column).

Enforcement

ACCC Commences Proceedings Against Grill’d for Alleged Greenwashing Claims

On 16 June 2026, the ACCC commenced proceedings against Grill’d in the Federal Court of Australia (Federal Court), alleging that the popular burger chain made false or misleading representations about the circumstances in which it would make donations to an environmental cause.

Between January 2021 and April 2024, Grill’d ran a promotional campaign called “Tree Day Tuesday” and allegedly made various representations, including a commitment to AU$1 donation towards the planting of trees for every burger purchased on a Tuesday. The promotion was featured across 26 separate online and in-store advertisements, which included statements such as “GROW-A-GRILL’D FOREST. For every Tuesday Grill’d burg purchase, $1 goes towards planting a tree” and “You can help us grow our 100-year protected forest by buying a burger today. A burger for you, a baby tree for the planet.”

The ACCC alleges that Grill’d overstated the extent of donations it would make and the environmental contributions from the campaign. For a purchase to qualify for a AU$1 donation, it had to satisfy a number of conditions, including but not limited to, the following:

- The purchase had to be made on a Tuesday.
- The purchase had to be of a “main item” (being a burger or a salad).
- The buyer had to be a member of Grill’d’s “Relish” loyalty program.
- The purchase had to be dine-in only and not takeaway, online order or delivery.

Of more than five million burgers sold on Tuesdays across the campaign period, only approximately 4% qualified for a donation by Grill’d.

ACCC Chair Gina Cass-Gottlieb characterised the conduct squarely as a form of greenwashing and stated that “Grill’d deprived consumers of the ability to make an informed decision by overstating the circumstances in which it would make a donation to an environmental cause, which may also have given Grill’d an unfair competitive advantage.”

The ACCC is seeking declarations, penalties, costs and other orders. The proceedings form part of a broader regulatory push against greenwashing, following earlier ACCC actions against Edgewell and Australian Gas Networks, as well as its successful case against Clorox, which ultimately resulted in an AU$8.25 million penalty. With the Australian Senate’s (Senate) final report on its inquiry into greenwashing anticipated imminently, regulatory scrutiny in this space shows no sign of abating.

Read the ACCC’s media release here.

Key takeaways: For businesses making promotional claims (particularly those with an environmental or sustainability angle), claims must accurately reflect the actual customer experience. Where businesses are making environmental or sustainability-related claims in their marketing, they should ensure that those claims are well substantiated and the actual benefit to the environment is not overstated. Where promotions are subject to multiple qualifying conditions, these conditions must be clearly (and prominently) disclosed to customers. With the Senate’s final report on its inquiry into greenwashing and the ACCC’s aggressive approach to tackling greenwashing, in line with it being a compliance and enforcement priority for the ACCC for 2026–2027, businesses face not only reputational risk but substantial financial penalties.

JB Hi-Fi to Refund More Than AU$250,000 Following ACCC Investigation Into Misleading Pricing Practices

On 11 June 2026, the ACCC reported that JB Hi-Fi Group (JB Hi-Fi) has begun the process of refunding more than AU$250,000 to approximately 200 consumers following an investigation by the ACCC into its online promotional pricing practices between March and September 2025. The ACCC alleges that JB Hi-Fi promoted 17 products as discounted from a previous higher price when those products were either one of the following:

- Never offered for sale at the higher price.
- Only offered at the higher price for a short period or only offered at the higher price long before the promotion.

ACCC Commissioner Luke Woodward stated that this "deprived consumers of the opportunity to make informed purchasing decisions based on accurate information, as they may have decided not to buy the products if they knew the claimed discount was not genuine."

The allegedly misleading prices were largely due to system errors or human error. JB Hi-Fi proactively addressed some of the errors prior to the ACCC's investigation, cooperated with the regulator's investigation and has taken steps to prevent similar issues in the future. These factors contributed to the ACCC's decision to resolve the matter administratively without taking further formal enforcement action.

This matter continues on from recent enforcement action by the ACCC targeting misleading pricing practices, which includes its Black Friday sales sweep conducted last year, following which the ACCC commenced investigations of several retailers about claims in their advertising of Black Friday sales, and the Federal Court proceedings against Emma Sleep Pty Ltd and Emma Sleep Southeast Asia (together, Emma Sleep). Echoing the allegations against JB Hi-Fi, Emma Sleep was ordered to pay an AU$15 million pecuniary penalty for misleading "was/now" pricing statements, along with misleading representations that discount prices were available for a limited time.

Read the ACCC's media release here.

Key takeaways: Businesses making "was/now" or discount pricing claims must ensure the reference price was genuinely offered, and for a reasonable period, before it can be used as a point of comparison. Pricing errors arising from system or human error will not excuse misleading claims, though prompt self-reporting and remediation can influence how the ACCC responds. Businesses are recommended to conduct regular audits of pricing and promotional systems to reduce the risk of similar issues.

ACCC Calls for a Stronger Horticulture Code as Fruitico and Fresh Express Pay Record Penalties for Alleged Breaches

The ACCC issued Fruitico Pty Ltd (Fruitico) and Fresh Express Produce Pty Ltd (Fresh Express) with five infringement notices for alleged breaches of the Horticulture Code (the Code), with Fruitico and Fresh Express being required to pay AU$99,000 each.

Fruitico allegedly traded with table grape growers without having a Code-compliant horticulture produce agreement in place. Separately, Fresh Express allegedly failed to provide gross sale price information to growers with statements about the sale of produce, which breached the requirements of the Code.

ACCC Deputy Chair Mick Keogh has expressed that "[a]greements that fail to meet the minimum standards of the Code reduce transparency and prevent growers from accessing essential information about their trading relationship and product sales."

The ACCC has also expressed concerns that the Code currently does not provide growers with clear and timely information about how prices are determined and how their produce is sold. As such, less transparent practices may be encouraged across the supply chain.

In January 2026, the Australian Government initiated an independent review of the Code, to ensure that requirements for horticulture produce agreements are clearer and stronger. For example: strengthening price transparency, banning opaque pricing methods and requiring grower statements to show pricing details clearly would be measures that assist growers to assess outcomes and understand returns. Growers will also have an increased ability to compare terms between wholesalers and enhance competition in the market. The ACCC has made a submission to the independent review, recommending changes that do the following:

- Prohibit merchants from setting the price they pay for the purchase of a grower’s product as an amount calculated by method or formula.
- Require traders to provide substantially more detailed and timely information to growers about the sale of produce sold on their behalf.

Read the ACCC’s full media release here.

Key takeaways: The ACCC is actively monitoring businesses’ compliance with the Code and will take enforcement action where necessary. Reforms are being considered that aim to correct the balance of power between grower and wholesaler, such that price-setting requirements for horticulture produce agreements have increased transparency and provide clear and timely information to growers.

Dusk in Court Over Sale of Thousands of Allegedly Noncompliant Button Battery Products

On 22 July 2026, the ACCC announced that it had commenced Federal Court proceedings against Dusk Australasia Pty Ltd (Dusk) for the alleged supply of homewares (e.g. candles, diffusers and other LED products) that did not comply with the mandatory button battery safety and information standards (the Button Battery Standards). Under the Button Battery Standards, products that contain button batteries must have a secure battery compartment, pass compliance testing prior to supply (and offer to supply) and must include safety warning information.

Between May 2023 and December 2024, Dusk allegedly supplied 66,453 products across 29 different product lines that failed to comply with the Button Battery Standards. In addition, 25 of the product lines sold were not tested prior to supply to consumers and four of the product lines failed to include the mandatory safety warnings required under the information standard.

ACCC Deputy Chair Catriona Lowe stated that “[c]ompliance with the mandatory button battery standards is an ACCC compliance and enforcement priority. Businesses must ensure they have adequate policies and procedures in place to comply with these standards.”

Dusk had previously given a court-enforceable undertaking to the ACCC in April 2023 resulting from its supply of Halloween-themed novelty products containing button batteries that did not comply with the mandatory safety standards. Dusk had also previously paid AU$106,560 in penalties after the ACCC issued eight infringement notices to Dusk for supplying noncompliant button battery product lines.

Key takeaways: This is the latest development in the recent uptick of ACCC enforcement action regarding the supply of products containing button batteries that are not compliant with the Button Battery Standards—in May 2026, the ACCC also commenced legal action against Amazon with similar allegations. This emphasises that the ACCC considers compliance with the Button Battery Standards as a priority enforcement area. Businesses should ensure they have robust internal policies and procedures in place to meet their obligations under the Button Battery Standards.

Read the ACCC's full media release here.

Mergers and Acquisitions

Acquisitions Register Update: FY2025/2026

Between 1 July 2025 and 30 June 2026:

Waiver Applications

- Number of applications for waiver determined: 248.
- Range of number of business days for each waiver application to be determined: between two to 25 business days.

Phase 1 Applications

- Number of Phase 1 applications made overall: 158 (including the three currently in Phase 2).
- Number of Phase 1 applications determined overall: 121.
- Range of number of business days for each Phase 1 application to be determined: between 15 to 36 business days.

Phase 2 Applications:

- Number of Phase 2 applications made overall: five.
- Number of Phase 2 applications determined overall (since 1 January 2026): two.

Within 20 business days, 92% of notification and notification waiver determinations were issued, with the average business days required for a Phase 1 decision being 19 days (the median was 17 business days).

Peter Warren's Acquisition of Wakeling Automotive Sites and Trescal's Acquisition of TR Calibration Require Phase 2 Review by the ACCC

Peter Warren—Wakeling Automotive

Peter Warren Automotive Holdings Limited's (Peter Warren) proposed acquisition of 30 new car dealership sites from Wakeling Automotive Group (WAG) has proceeded to a Phase 2 review by the ACCC. Both Peter Warren and WAG operate dealerships for new cars around the Campbelltown, Narellan and Smeaton Grange regions in Sydney. These dealerships also offer car repairs and servicing.

In its Phase 2 notice, the ACCC outlined its assessment that Peter Warren and WAG overlap in the retail supply of new and used cars, original equipment manufacturer spare parts (and car servicing and repairs), and vehicle insurance and finance products.

Under the current merger regime, the ACCC can decide that a notification is subject to a Phase 2 review if the regulator is satisfied that the acquisition could, if put into effect, have the effect (or likely effect) of substantially lessening competition in any market.

The ACCC has expressed that Peter Warren and WAG, if combined, would operate 25 out of 33 new car dealerships in the abovementioned regions in Sydney. Based on information provided to the ACCC, it considered that most consumers prefer to purchase new cars from a dealer in their local region. Accordingly, the acquisition may substantially lessen competition in Sydney's Macarthur region and surrounding areas, warranting further consideration under Phase 2.

This application was later withdrawn on 15 June 2026.

Trescal—TR Calibration

Separately, Trescal Holding Pty Ltd (Trescal) proposed to acquire, through a wholly owned subsidiary, TR Pty Ltd's calibration and equipment sales business, TechRentals Calibration & Sales (TR Calibration).

Trescal and TR Calibration both supply calibration services and equipment in Australia. Calibration services assess testing and measurement equipment against recognised standards to verify accuracy and compliance with relevant standards (e.g. where equipment fails calibration). Notably, there are a limited number of suppliers that are able to provide calibration services for reference equipment in the electrical testing domain.

The ACCC expressed in its Phase 2 notice that the proposed acquisition could have the effect, or likely effect, of substantially lessening competition in the supply of the following:

- Calibration services in certain testing domains in Australia (i.e. electrical, radiofrequency, torque and force testing).
- Calibration services to customers that require multiple calibration services across a range of testing domains and seek to procure these services from a single supplier.
- Calibration services for reference equipment in the electrical testing domain.

In all the above scenarios, a direct and significant competitor to Trescal would be removed and the competitive constraint that Trescal and TR Calibration would exert on each other would be removed.

This application was later ceased on 10 July 2026, as the Phase 2 fee had not been paid by the due date.

For more information:

Read the ACCC's media release here (Peter Warren—Wakeling Automotive).

Read the ACCC's media release here (Trescal—TR Calibration).

Key takeaways: As outlined in our previous April/May Insight, the ACCC continues to closely assess the competitive effects of notified acquisitions. A clear pattern is emerging: acquisitions that reduce the number of independent competitors, or remove important competitive constraints, are more likely to attract further ACCC scrutiny.

ACCC Approves Ampol's Acquisition of EG Australia, Subject to Conditions

The ACCC approved Ampol Retail Holding Pty Ltd's (Ampol) acquisition of EG Group Australia and EG AsiaPac Holdings (together, EG Australia), subject to conditions requiring Ampol to divest 41 retail fuel sites across Australia to an ACCC-approved purchaser.

The ACCC's review focused on whether the acquisition would reduce competition at the local market level, finding that, without conditions, it could substantially lessen competition in the retail supply of petrol or diesel in 39 local markets where 41 EG Australia sites overlapped with Ampol sites. The ACCC was particularly concerned about the potential reduction in consumer choice and the impact on fuel prices given broader cost-of-living pressures. With the divestiture condition in place, those competition concerns were resolved, enabling approval.

Ampol initially offered to divest 19 sites but increased this to 41 sites during the Phase 2 assessment. The ACCC approved Dib Group (Metro Petroleum) as the purchaser of the divested sites and separately granted it a notification waiver, removing the need for further approvals. The ACCC considered that Metro Petroleum's acquisition of the divested sites would create or expand a strong, independent and viable long-term competitor across the 39 affected local markets.

Read the ACCC's media release here.

Key takeaways: This is the ACCC's first Phase 2 approval, taking 147 business days from notification to determination. Businesses should build time for detailed ACCC engagement into transaction timetables, assess local market overlaps early and be ready for the ACCC to closely scrutinise remedy design and divestiture terms and processes (if any).

ACCC Opposes Coles' Acquisition of a Supermarket and Liquor Site in Kalgoorlie

On 1 July 2026, the ACCC published a determination that set out its decision that Coles Supermarkets Australia Pty Ltd (Coles) must not put into effect a proposed acquisition of a leasehold interest over a new supermarket and liquor site in Kalgoorlie-Boulder, Western Australia.

Coles notified the ACCC of its proposed acquisition of a lease for a vacant site in Somerville (a suburb of Kalgoorlie-Boulder) in November 2025. Coles proposed to develop the site into a full-line supermarket and liquor store.

Following on from its Phase 2 assessment, the ACCC was satisfied that Coles' proposed acquisition would likely have the effect of substantially lessening competition in the retail supply of groceries by supermarkets in Kalgoorlie. The ACCC's view is that the proposed acquisition would likely lead to the exit of an effective, independent and full-line competitor from Kalgoorlie and reduce competitive constraints on the major supermarket chains. Currently, four full-line supermarkets serve consumers in Kalgoorlie: Coles, Woolworths and two independent stores, along with two smaller independent supermarkets.

Importantly, the ACCC did not consider the entry of a new supermarket to be, in itself, anti-competitive. Rather, its concern was that a second large-format Coles supermarket would materially increase grocery capacity in a low population growth market and likely divert substantial sales from existing supermarkets, creating a real risk that an independent competitor would face financial pressure and exit the market.

Key takeaways: This is the first time the ACCC has determined, under the new merger regime, that a proposed acquisition must not proceed, and it signals the ACCC's willingness to crack down on supermarket creep in regional areas. This decision also highlights the extensive time and resources involved in ACCC merger investigations before a determination is made, with the initial notification occurring in November 2025 and the determination issued in July 2026. Property owners, developers and managers may need to build greater flexibility into commercial arrangements, planning assumptions and project timelines.

Read the ACCC's media release here.

ACCC Approves Heidelberg's Acquisition of Maas's Construction Materials Business Subject to Conditions

The ACCC approved Heidelberg Materials Australia Holdings Pty Ltd's (Heidelberg) acquisition of Maas Group Holdings' (Maas) construction materials business. The ACCC's approval is subject to conditions that Heidelberg divest three concrete plants and a quarry across Queensland and New South Wales.

Both Heidelberg and Maas supply a range of construction materials including ready-mix concrete, coarse and fine aggregates, asphalt and recycled materials. The ACCC's assessment was that, if no conditions were imposed, the proposed acquisition could have the effect of substantially lessening competition in the supply of ready-mix concrete in the Illawarra region of New South Wales and Blackwater (Central Queensland) and in the supply of coarse aggregates in the Biloela region of Central Queensland. For example, in Blackwater, there are no suppliers of ready-mix concrete besides Heidelberg and Maas.

In response to the ACCC's concerns, Heidelberg offered to divest ready-mix concrete plants in Blackwater, North Wollongong and Bass Point in the Illawarra, as well as its Yalkara quarry in Biloela.

Key takeaways: This is the ACCC's first Phase 1 decision with conditions imposed under the new merger regime and demonstrates that proposed acquisitions can be cleared in Phase 1 even where remedies are required to secure ACCC clearance. Businesses should consider that early and evidence-led engagement with the ACCC can be a critical factor in assisting them to efficiently navigate the new regime and avoid more extensive review under Phase 2.

Read the ACCC's media release here.

Notifications and Authorisations

ACCC Grants Authorisation for Air Cargo Alliance

On 25 June 2026, the ACCC granted authorisation to IAG Cargo Limited (IAGC), MAB Kargo Sdn. Bhd (MABK) and Qatar Airways Group Q.S.S.C (Qatar Airways) to cooperate on and coordinate their air cargo services. The application for authorisation relates to air cargo services including to and from Australia.

The authorisation allows IAGC, MABK and Qatar Airways to make and give effect to a joint business agreement under which they will cooperate and coordinate on their cargo activities and services. The authorisation lasts until 17 July 2031 and was granted as the ACCC considered that the proposed conduct is likely to result in limited public benefits (e.g. cost savings and other efficiencies) and enhanced products and services such as increased direct and indirect services and a streamlined sales and booking experience. The ACCC also was of the view that the proposed conduct is likely to result in minimal, if any, public detriment.

Key takeaways: Authorisation is a legitimate pathway for arrangements that would otherwise risk breaching competition laws. Businesses should articulate concrete, real-world benefits clearly in their application and avoid overclaiming (e.g. making unsubstantiated efficiency arguments). The ACCC carefully assesses factors such as market structure, the availability of less restrictive alternatives, and customers' bargaining power.

Read the ACCC's final determination here.

ACCC Grants Interim Authorisation for Preparatory Steps to Establish Joint Venture for Commercial Cash Distribution

On 26 June 2026, the ACCC granted interim authorisation to Australia and New Zealand Banking Group Limited (ANZ), Commonwealth Bank of Australia (CBA), National Australia Bank Limited and National Australia Investment Capital Pty Ltd (together, NAB) and Westpac Banking Corporation (Westpac) (collectively, the Applicants) to take preparatory steps regarding a proposed joint venture to deal with the supply of commercial cash in Australia.

The Applicants are seeking the ACCC's authorisation to create a single joint cash pool and bailment structure (this will be done through an incorporated operating entity) for the supply of commercial cash in Australia.

As part of the authorisation application, the Applicants filed a notification of acquisition in which each of ANZ, CBA, NAB and Westpac will acquire 25% shareholding in the joint venture company and a 25% interest in the joint cash pool.

The authorisation application arises due to Westpac's decision to cease its role as the sole supplier of commercial cash to entities. Currently, the Applicants purchase banknotes from the Reserve Bank of Australia and coins from the Royal Australian Mint directly, and each Applicant maintains separate cash reserves to support the supply of cash to its own branches, ATMs and customers.

Key takeaways: Over and above the points raised in the above "key takeaways" section for the air cargo alliance authorisation, this decision is another useful reminder that where businesses wish to engage in joint conduct with competitors (including joint ventures, joint negotiations or collective agreements), the authorisation process is available. However, it is time-consuming, involves public scrutiny and is not guaranteed. Planning well in advance and engaging early with the ACCC is critical.

Read the ACCC's interim authorisation decision here.

ACCC Grants Exemptions From the Cash Acceptance Industry Codes to Petro National Pty Ltd and Ampol Australia Petroleum Pty Ltd

On 9 July 2026, the ACCC granted exemptions to Petro National Pty Ltd (Petro National) and Ampol Australia Petroleum Pty Ltd (Ampol Petroleum) from the requirement to accept cash for certain types of in-person payments under the *Competition and Consumer (Industry Codes – Cash Acceptance) Regulations 2025* (the Codes).

The Codes commenced on 1 January 2026 and include two mandatory industry codes that require certain supermarket and motor fuel retail sites to allow customers a reasonable opportunity to make payments in cash (between 7.00 AM and 9.00 PM, for in-person payments of not more than AU$500).

The exemption granted to Petro National was in relation to four motor fuel retail sites in New South Wales and commenced on 13 June 2026 and is valid for 10 years. The exemption granted to Ampol Petroleum related to 50 motor fuel retail sites in New South Wales, Queensland, Western Australia, South Australia, Tasmania and Victoria, which commenced on 24 June 2026 and is valid for five years.

The effect of the exemption is that the retail sites of Petro National and Ampol Petroleum subject to the exemption are no longer required to comply with the Codes. However, both Petro National and Ampol Petroleum are obliged to notify the ACCC if they experience a material change in circumstances that are relevant to the exemption.

Key takeaways: The ACCC may, under some circumstances, exempt supermarket or motor fuel retailers from their obligations under the Codes. These exemptions can apply broadly or only under specified circumstances, and parties can either initiate the application process for an exemption or the ACCC may initiate an exemption.

Read the ACCC's media release here, and more information on exemptions to the Codes is available here.

Noteworthy Developments

Joint Statement: Regulators Strengthen Joint Oversight of Digital Platforms

The Digital Platform Regulators Forum (DP-REG) is an information sharing and collaboration initiative between Australian independent regulators, and it consists of the ACCC, the Australian Communications and Media Authority, the eSafety commissioner and the Office of the Australian Information Commissioner.

The DP-REG has signed a memorandum of understanding (MOU) to strengthen coordination in its regulation of digital platforms in Australia. The MOU sets out the way members exchange information and work together on key issues, including scams, privacy, online safety and competition matters.

Under the terms of the MOU, members of the DP-REG may share information (where legally permissible) and conduct coordinated activities such as responding to risks, monitoring market developments and addressing issues associated with the conduct and market power of large digital platform operators.

Read the ACCC's media release here.

Key takeaways: Digital platforms are complex and dynamic. In this environment, consumer protection, competition, privacy and online safety issues often intersect. The MOU signals a more structured and cooperative approach to collaboration between Australian regulators.

ACCC Issues Class Exemption for Global Supply Chain Disruptions

On 30 June 2026, the ACCC issued its first "exceptional circumstances" class exemption in response to global supply chain disruptions arising from the conflict in the Middle East and related impacts on international shipping and transport through the Strait of Hormuz. This short-term exemption applies retrospectively from 23 June 2026 until 22 December 2026.

The class exemption provides legal protection for businesses that usually compete to respond to harm to Australian consumers or the Australian economy caused by global supply chain disruptions. A declaration by the treasurer came into force on 23 June 2026 and stated that the disruptions to global supply chains stemming from the conflict are sufficient to be considered “exceptional circumstances” that are harming both the Australian economy and Australian consumers.

At a high level, the requirements for this class exemption are as follows:

- Where there are meetings between competitors discussing coordination, the ACCC must be notified in advance of these meetings.
- If the abovementioned meeting was not convened by the Australian Government, state government or territory government, the meeting must be approved by the ACCC.
- A lawyer with experience and expertise in competition law (approved by the ACCC) is required to attend all meetings, with the outcomes of these meetings to be reported to the ACCC accordingly.
- Any plans arising from these meetings must be submitted to the ACCC (and approved) before being implemented. If a plan is agreed to without any Australian Government, state government or territory government meeting or forum, the plan cannot be implemented unless the ACCC provides its approval.

Key takeaways: A class exemption is a way for the ACCC to grant businesses an exemption from competition law for certain types of conduct that may otherwise risk breaching competition law. Although this class exemption is short term, businesses may consider making use of this exemption to ease the impact of the global supply chain disruptions while balancing any trickle-down effects to consumers.

Read the ACCC’s media release here.

ACCC Review Shows That Misleading and High-Pressure Unsolicited Sales Practices Are Widespread

On 28 July 2026, the ACCC published a report (the Report) that found that businesses are frequently engaging in high-pressure sales practices and breaching existing consumer safeguards and consumers are often misled during the sales process. The review followed a designated complaint by the Consumer Action Law Centre and makes the following recommendations:

- Increasing penalties for breaches.
- Introducing a new “opt-in” approach for consumers targeted by unsolicited sales.
- Clarifying rules applying to sales originating from lead generation.

Following a designated complaint by the Consumer Action Law Centre to the ACCC alleging harmful unsolicited sales practices, the ACCC announced in June 2025 that it would examine unsolicited selling and lead generation practices. The ACCC’s review involved consultations with businesses, industry associations, government, consumer groups and market research to gather information on consumer experiences.

Key points set out in the Report include the following:

- Unsolicited selling is widespread and often unwelcome—around three quarters of consumers surveyed said they had experienced unsolicited sales at least once in the previous two years (with ~28% having made at least one purchase after an unsolicited sales approach).

- Special consumer protections are frequently breached by businesses (e.g. salespeople may only approach a consumer at certain times, must leave if requested to do so, and must inform the consumer who they are and which business they represent).
- Consumers' personal information is gathered online, through price-comparison websites, online quotes, free trials or surveys, and then often sold through data brokers to be used to generate leads for unsolicited selling.

The maximum penalty currently in place for breaches of the Australian Consumer Law provisions related to unsolicited sales is AU$50,000 for corporations and AU$10,000 for individuals.

Key takeaways: The ACCC has previously taken enforcement action against harmful unsolicited selling practices in sectors including energy, education, telecommunications and therapeutic goods, as well as conduct affecting First Nations consumers. Together with upcoming unfair trading practices laws due to commence in July 2027, these actions signal the ACCC's continued focus on harmful trading and selling practices. Businesses that engage in unsolicited selling should regularly review their policies and keep staff training current to reduce the risk of noncompliance.

Read the ACCC's media release here and the full report here.