

## Authorised Version

# Victorian Energy Efficiency Target Amendment (Prohibition on Telemarketing and Door-to-door Sales) Regulations 2024

S.R. No. 26/2024

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STATUTORY RULES 2024

S.R. No. 26/2024

*Victorian Energy Efficiency Target Act 2007*

## **Victorian Energy Efficiency Target Amendment (Prohibition on Telemarketing and Door-to-door Sales) Regulations 2024**

The Governor in Council makes the following Regulations:

Dated: 23 April 2024

Responsible Minister:

LILY D'AMBROSIO  
Minister for Energy and Resources

SAMUAL WALLACE  
Clerk of the Executive Council

### **1 Objectives**

The objectives of these Regulations are to amend the Victorian Energy Efficiency Target Regulations 2018—

- (a) to prohibit telemarketing and door-to-door sales except in certain circumstances; and
- (b) to prescribe the prohibitions on telemarketing and door-to-door sales as code of conduct requirements.

### **2 Authorising provision**

These Regulations are made under section 75 of the **Victorian Energy Efficiency Target Act 2007**.

### **3 Commencement**

- (1) These Regulations, except regulations 6 and 9, come into operation on 1 May 2024.
- (2) Regulations 6 and 9 come into operation on 1 August 2024.

### **4 Principal Regulations**

In these Regulations, the Victorian Energy Efficiency Target Regulations 2018<sup>1</sup> are called the Principal Regulations.

### **5 Prescribed code of conduct requirements— telemarketing**

After regulation 9B(1)(b) of the Principal Regulations **insert**—

- "(ba) clause 11B(1)(a) (requirement not to carry out lead generation or marketing while on a telephone call);
- (bb) clause 11B(1)(b) (requirement not to require or permit an employee, an agent or a contractor to carry out lead generation or marketing while on a telephone call);
- (bc) clause 11B(1)(c) (requirement not to acquire contact details obtained as the result of a telephone call by a third party to a person who has expressed interest in a prescribed activity);".

### **6 Prescribed code of conduct requirements— door-to-door sales**

After regulation 9B(1)(bc) of the Principal Regulations **insert**—

- "(bd) clause 12(1)(a) (requirement not to call at a person's residence or business premises for lead generation or marketing);

- (be) clause 12(1)(b) (requirement not to require or permit an employee, an agent or a contractor to call on a person's residence or business premises for lead generation or marketing);
- (bf) clause 12(1)(c) (requirement not to acquire contact details obtained as the result of a third party calling on a person who has expressed interest in a prescribed activity at the person's ordinary place of residence or business premises);".

**7 Contacting a person who has asked not to be contacted**

Clause 11A(a) of Schedule 6 to the Principal Regulations is **revoked**.

**8 New clause 11B of Schedule 6 inserted**

After clause 11A of Schedule 6 to the Principal Regulations **insert**—

**"11B Prohibition on lead generation or marketing through telemarketing**

- (1) Subject to this clause, an accredited person or scheme participant must not—
  - (a) carry out a lead generation or marketing activity in relation to a prescribed activity while on a telephone call with a person, whether or not the person is at the person's ordinary place of residence or business premises at the time of the telephone call; or
  - (b) require or permit an employee, an agent or a contractor of the accredited person or scheme participant to carry out the activity described in paragraph (a); or

- (c) acquire from any person (the *third party*) the contact details of a person who has expressed interest in a prescribed activity to the third party that are obtained by the third party as the result of a telephone call by the third party to the person without prior consent.
- (2) Subclause (1) does not apply if the person provides express prior consent to being telephoned by the accredited person or scheme participant for the purposes of obtaining information about the prescribed activity.
- (3) For the purposes of subclause (2), if a person provides express consent to being telephoned by an accredited person or scheme participant for the purposes of obtaining information about a prescribed activity, the consent is taken to be withdrawn—
  - (a) 3 months after the day on which the consent is given; or
  - (b) on the expiry of any longer period for which the person specifies the consent is valid.
- (4) An accredited person or scheme participant does not contravene subclause (1) if—
  - (a) the act or omission alleged to constitute the contravention by the accredited person or scheme participant was due to a reasonable mistake of fact; or
  - (b) the accredited person or scheme participant took reasonable precautions, and exercised due diligence, to avoid that act or omission."

**9 Clause 12 of Schedule 6 substituted**

For clause 12 of Schedule 6 to the Principal Regulations **substitute**—

**"12 Prohibition on lead generation or marketing through door-to-door sales**

- (1) Subject to this clause, an accredited person or scheme participant must not—
  - (a) carry out a lead generation or marketing activity in relation to a prescribed activity while calling on a person at the person's ordinary place of residence or business premises; or
  - (b) require or permit an employee, an agent or a contractor of the accredited person or scheme participant to carry out the activity described in paragraph (a); or
  - (c) acquire from any other person (the *third party*) the contact details of a person who has expressed interest in a prescribed activity that the third party has obtained as the result of calling on the person at the person's ordinary place of residence or business premises.
- (2) Subclause (1) does not apply if the person provides express prior consent to being visited by the accredited person or scheme participant for the purposes of obtaining information about a prescribed activity.
- (3) For the purposes of subclause (2), if a person provides express consent to being visited by an accredited person or scheme participant for the purposes of obtaining information about a prescribed activity, the consent is taken to be withdrawn—

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- (a) 3 months after the day on which the consent is given; or
  - (b) on the expiry of any longer period for which the person specifies the consent is valid.
- (4) An accredited person or scheme participant carrying out lead generation or marketing activities for a prescribed activity in person at a person's premises must leave the premises immediately on request.
- (5) An accredited person or scheme participant does not contravene subclause (1) if the act or omission alleged to constitute the contravention by the accredited person or scheme participant was due to a reasonable mistake of fact."
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Endnotes

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## **Endnotes**

<sup>1</sup> Reg. 4: S.R. No. 145/2018 as amended by S.R. Nos 145/2018, 142/2020, 97/2021, 153/2021, 171/2021, 37/2022, 93/2022, 25/2023 and 60/2023.