

Statement of Expectations: Australian Competition and Consumer Commission

April 2024

1. This Statement of Expectations outlines the Australian Government's expectations of how the Australian Competition and Consumer Commission (ACCC) will achieve its objectives, carry out its functions and exercise its powers. It is to be read alongside the laws that apply to the ACCC and the laws that the ACCC administers.

ACCC's role

2. The Government expects the ACCC to promote a competitive, dynamic and inclusive economy and modern, well-functioning markets that work for consumers. The Government recognises the ACCC's independence in carrying out its functions and expects the ACCC to:
 - 2.1. effectively monitor and enforce competition and consumer protection laws, including those laws applying to regulated infrastructure;
 - 2.2. actively monitor and report on the level of competition in the economy through its market study and inquiries function and identify opportunities to promote competition and better consumer outcomes;
 - 2.3. protect the interests and safety of consumers and support fair trading in markets, including prioritising responses to ease cost of living pressures, and taking action to protect consumers from the impact of scams and unsafe goods and services;
 - 2.4. make decisions informed by data, evidence and open and transparent engagement with businesses and consumers;
 - 2.5. identify and reduce the risk of conduct which is anti-competitive or detrimental to consumers through enforcement activities and well-targeted, risk-based and proportionate education and guidance; and
 - 2.6. minimise the costs and burdens of regulatory requirements for businesses, regulated entities and consumers.

The Government's policy priorities

3. The Government is focused on addressing cost of living pressures and building a stronger, more productive, more inclusive economy. This includes a focus on delivering sustained and inclusive full employment, strong and sustainable wages growth and higher living standards.
4. Boosting competition and dynamism are critical to achieving these objectives. The Government has an ambitious competition policy agenda, which is a key pillar of our broader productivity agenda and an important part of our plans to address cost of living pressures.
 - 4.1. The Government has established a Competition Review and Taskforce, which is looking at competition laws, policies and institutions to ensure they remain fit-for-purpose for the modern economy, with a focus on reforms that would increase productivity, reduce the cost of living and lift wages.

- 4.2. As part of this work, the Government is renewing National Competition Policy, reforming merger settings, and reviewing the impact of non-compete clauses on competition. The Government is also focused on competition issues raised by new technologies, the net zero transformation and growth in the care economy.
- 4.3. The Government has issued a direction to the ACCC to investigate pricing and competition in the supermarket sector, complemented by the Emerson review of the Food and Grocery Code, to make sure the sector is giving consumers and suppliers a fair deal. The Government has also given directions to the ACCC to undertake inquiries into the market for retail deposits products by authorised deposit-taking institutions, the supply of childcare services, and to monitor the prices, costs and profits of the major domestic airlines.
5. The Government has a strong focus on consumer protection, including preventing unfair trading practices, combatting scams and addressing consumer harms on digital platforms.
6. The Government expects the ACCC to take account of the Government's policy priorities as part of its work. In doing this, the Government also expects the ACCC to:
 - 6.1. deliver the Government's merger reforms through:
 - 6.1.1. a risk-based approach with resources prioritised to managing or stopping mergers most likely to harm the community;
 - 6.1.2. making use of data and economic analysis to enhance merger review and to identify risks to the community;
 - 6.1.3. increased transparency and guidance to the community on merger activity and areas of ACCC concern to enhance community understanding and administrative predictability.
 - 6.2. work with other government agencies, regulators, law enforcement and the private sector in its operation of the National Anti-Scam Centre to detect, disrupt and deter scammers and tackle online fraud by:
 - 6.2.1. increasing consumer awareness on the risk of scams and how to avoid them;
 - 6.2.2. improving protections to address the harms of scam activity; and
 - 6.2.3. sharing intelligence across Government and authorised industry participants to interrupt scams in real time.
 - 6.3. work with other regulators and consumer protection agencies to identify and address the risk of serious injury and death from safety hazards in consumer products, and provide product safety information;
 - 6.4. monitor and take enforcement action, where warranted, in response to competition and consumer concerns relating to digital platforms, including under the news media bargaining code;
 - 6.5. implement the Designated Complaints function, and once established, respond to complaints in accordance with the legislation;

- 6.6. enforce compliance with the gas code and other legal obligations in relation to gas markets;
- 6.7. ensure that small businesses receive the protections of competition and consumer laws including industry codes and expanded unfair contract terms protections, through enforcement activity, education, encouraging compliance and investigating in accordance with ACCC policy and priorities;
- 6.8. regulate and enforce infrastructure, energy and telecommunications-specific competition laws with a view to protecting the interests of end-users, foster innovation, and encourage sustainable investment, including in regional and remote Australia; and
- 6.9. lifting compliance by National Disability Insurance Scheme providers with their obligations under the Australian Consumer Law, through chairing the taskforce with the National Disability Insurance Agency (NDIA) and NDIS Quality Safeguards commission and taking enforcement action where warranted.

Relationship with stakeholders

7. Regarding relationships with stakeholders, the Government expects the ACCC to:
 - 7.1. ensure that its actions are not inconsistent with the policies of the Government, in accordance with section 21 of the *Public Governance, Performance, and Accountability Act 2013* (PGPA Act);
 - 7.2. work closely with the Government and Treasury, recognising Treasury's policy advising role, including through the provision of information and reports to Ministers in accordance with section 28(1)(b) of the *Competition and Consumer Act 2010* (CCA) and support the delivery of merger reform;
 - 7.3. work collaboratively and share information with other Ministers including the Minister for Communications, the Minister for Infrastructure, Transport, and Regional Development, the Minister for Climate Change and Energy their departments and other regulators where they are responsible for administering parts of the CCA or have a specific interest in the application of the CCA to a sector for which they have policy responsibility;
 - 7.4. consult and provide appropriate guidance so that businesses and consumers have clarity about how the ACCC will exercise its powers;
 - 7.5. coordinate regulatory activities with other regulatory agencies and the Australian Small Business and Family Enterprise Ombudsman to avoid duplication, including through sharing information where possible; and
 - 7.6. engage with the ACCC's counterpart regulators in overseas jurisdictions and with relevant international bodies.

Organisational matters

8. Regarding organisational matters, the Government expects:
 - 8.1. the Chair to have sole responsibility for the executive management of the ACCC, consistent with their role as Accountable Authority for the ACCC;

- 8.2. the Chair to delegate executive management functions to ACCC staff wherever the Chair considers that this would benefit the executive management of the ACCC;
- 8.3. the Commission of the ACCC to act as a non-executive body under the leadership of the Chair;
- 8.4. the ACCC to implement appropriate controls to manage the risk of unauthorised disclosure of protected or market sensitive information;
- 8.5. the ACCC to uphold and promote the Australian Public Service Values and Code of Conduct;
- 8.6. the ACCC to comply with the requirements under the PGPA Act and associated instrument and policies; and
- 8.7. the ACCC to publish its Statement of Intent in response to this Statement of Expectations on its website, and subsequently reference the Statements of Expectations and Intent in its Annual Report and Corporate Plan.