



Designated Complaints

Application to become a Designated Complainant

Approved form under subsection 154ZP(3) of the *Competition and Consumer Act 2010*

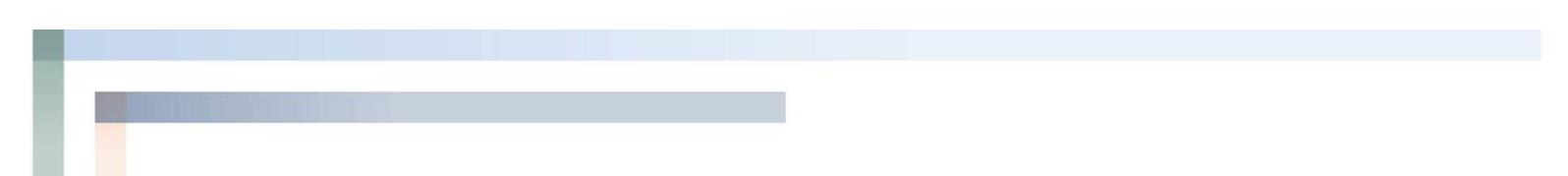
This form is used to apply to the Minister for approval to become a Designated Complainant under the Designated Complaints function in Part XIE of the *Competition and Consumer Act 2010* (the Act).

Designated Complainants can submit designated complaints to the Australian Competition and Consumer Commission (ACCC).

In deciding whether it is appropriate to grant an approval, the Minister must, or may, have regard to matters set out in the Act and the *Competition and Consumer (Designated Complaints) Determination 2024* (the Determination). The Minister cannot grant an approval if doing so would result in the number of Designated Complainants being above the limit of 3 set out in the Determination.

Important Information

- Applicants should prepare their responses to the questions in sections 2 to 6 in a separate response document. The prepared response document should identify, and respond to, each of those numbered questions.
- Applicants should complete section 1, and complete and sign section 7, in this form (after reading the Privacy Notice in section 8). The completed and signed form should be provided along with the prepared response document.
- Applications must be in writing. The prepared response document should be no more than 8 pages. Attachments may be provided if relevant.
- Guidance is included in relation to sections 2 to 5 of the form about types of information that applicants may wish to provide. The guidance is not intended to be prescriptive or limit how applicants respond.



Submitting the application

Applicants should email the completed application documents to consumerlaw@treasury.gov.au. Please include the words 'Application to become a Designated Complainant' in the subject line of the email.

Applications must be made during the application period set out on the Treasury website at <https://treasury.gov.au/designatedcomplaints>.

Applicants should receive an email confirming receipt of their application within 2 business days. If a confirmation email is not received, please send a further email to consumerlaw@treasury.gov.au or call the Treasury on 1800 020 008 and ask to speak with the Director, Consumer Policy Unit, Market Conduct and Digital Division.

Application form

1. Details of Applicant

Please provide:

1.1. Name of applicant

1.2. Applicant's ABN and ACN (if applicable)

1.3. Type of entity*

1.4. Applicant's postal address and telephone number

1.5. Name, position, telephone number and email address of applicant's nominated contact person

Name of applicant: _____

Applicant's ABN and ACN (if applicable): _____

Type of entity*: _____

Applicant's:

Postal address: _____

Telephone number: _____

Nominated contact person:

Name: _____

Position: _____

Telephone number: _____

Email address: _____

**Under section 154ZE and 154ZP of the Act, the following types of entity can apply to be a designated complainant:*

- *a corporation;*
- *an individual;*
- *a body corporate;*
- *a corporation sole;*
- *a body politic;*
- *a partnership;*
- *any other unincorporated association or body of entities;*
- *a trust.*

A State or Territory may not apply to be a designated complainant.

2. Experience representing consumers or small businesses

Please address:

2.1. The applicant's experience and ability in representing the interests of consumers or small businesses (or both) in Australia in relation to a range of market issues that affect them.

2.2. Whether the applicant has an ongoing relationship with consumers or small businesses (or both) in Australia, including through regular contact and communication.

See paragraph 154ZQ(2)(a) of the Act and paragraph 11(2)(c) of the Determination.

In answering these questions, the applicant may wish to provide information on:

- The type(s) of consumers or small businesses the applicant represents, for example whether they are in a particular sector, include consumers or small businesses who have a particular vulnerability, or whether the applicant's operations have a geographic focus.
- How long the applicant has represented consumers or small businesses in Australia.
- How the applicant engages and communicates with the consumers or small businesses it represents.
- Activities the applicant undertakes to promote the interests of the consumers or small businesses it represents and any notable outcomes from those activities.
- Whether the consumers or small businesses the applicant represents have indicated satisfaction with that representation.

3. Access to quality information

Please address:

3.1. The applicant's ability to make designated complaints in relation to which the ACCC may take action under subsection 154ZK(1) of the Act, including the applicant's ability to research, prepare and make designated complaints based on information of a high quality.

3.2. The applicant's access to, or ability to obtain, timely, high quality and relevant data about the concerns, preferences and issues of consumers or small businesses (or both) in Australia.

See paragraphs 11(1)(a) and 11(2)(e) of the Determination.

In answering these questions, the applicant may wish to provide information on:

- The types of information the applicant has access to, or is able to obtain, regarding the concerns and preferences of consumers or small businesses and issues that affect them (for example, information derived from surveys or other primary sources).
- How the information is assessed and verified, including for currency.
- Resources the applicant has access to with which to research, prepare and make designated complaints.

4. Integrity and conflicts of interest

Please address:

4.1. Whether and how the applicant will, if approved as a designated complainant, act with integrity in connection with being a designated complainant.

4.2. If the applicant has commercial activities, any conflicts of interest the applicant has or may have if approved as a designated complainant, as well as any arrangements the applicant has, or proposes to have, in place in relation to managing or mitigating those conflicts of interest.

See paragraph 154ZQ(2)(b) of the Act and paragraph 11(1)(b) of the Determination.

In answering these questions, the applicant may wish to provide information on:

- How the applicant is funded and any conflicts of interest that may arise from this funding if approved as a designated complainant.
- The applicant's organisational and decision-making structure and the checks and balances that exist within that structure that would ensure the integrity of designated complaints made by the applicant (for example, how it would ensure that a designated complaint it submits reflects the interests of the consumers or small businesses it represents).
- Whether the applicant is financially or otherwise affiliated with any other organisations, or is currently, or has previously been, involved in litigation, that may be relevant to its suitability to become a designated complainant.

5. Interactions with the ACCC

Please address:

5.1. The applicant's willingness to cooperate with the ACCC and capability to respond to requests from the ACCC.

See paragraph 11(2)(a) of the Determination.

In answering this question, the applicant may wish to provide information on:

- How the applicant will ensure effective communication with the ACCC if approved as a designated complainant.
- Any previous experience the applicant has in interacting with the ACCC.

6. Other relevant information

Please detail:

6.1. Any other matters the applicant considers may be relevant to the application.

See paragraph 154ZQ(3)(b) of the Act.

7. Applicant Declaration

I understand that:

- it is a criminal offence under the *Criminal Code Act 1995* to knowingly give false or misleading information to a Commonwealth officer exercising powers under Commonwealth law;
- a person may commit an offence or be liable to a civil penalty if they make a false or misleading statement in an application or provide false or misleading information or documents (see sections 136.1, 137.1 and 137.2 of the *Criminal Code Act 1995*).

I declare that:

- the information I have provided is true and correct;
- I have read and understood the Privacy Notice (section 8 of this form refers);
- I consent to the collection, use and disclosure of information as outlined in the Privacy Notice.

Signature: _____

Full name: _____

Date: _____

8. Privacy notice

The Treasury collects information, which may include personal and sensitive information (as defined in the *Privacy Act 1988*), in relation to this form for the purposes of assessing your application to be a designated complainant and related purposes.

The Treasury are bound by law, including the *Privacy Act 1988*, in the handling of personal information. Your personal information will be used and stored in accordance with the Australian Privacy Principles.

What is personal and sensitive personal information?

‘Personal information’ means information or an opinion about an identified individual, or an individual who is reasonably identifiable. The personal information we collect includes names, addresses, contact details and may include information for identification purposes such as dates of birth and copies of identifying documents.

‘Sensitive information’ is a subset of personal information and includes any information or opinion about an individual's racial or ethnic origin, political opinion or association, religious beliefs or affiliations, philosophical beliefs, sexual preferences or practices, trade or professional associations and memberships, union membership, criminal records, health or genetic information and biometric information or templates.

When can we disclose your information?

The Treasury is authorised under the Act to collect information for the purposes of assessing your application to be a designated complainant and related purposes. Information collected by the Treasury will only be used or disclosed as authorised under the Act. We may disclose personal and sensitive information to the ACCC, such as for the purposes of section 154ZT of the Act. The Treasury and the ACCC may publish certain information collected in this application, particularly as required by sections 154ZN and 154ZT of the Act.

Information listed in section 154ZN of the Act must not be published if:

- publication of the information would contravene a law of the Commonwealth, a State or Territory;
- publication of the information would harm a non-public ongoing investigation being conducted by the ACCC; or
- publication of the information would contravene an order of a court or tribunal of the Commonwealth, State or Territory.

Any disclosure of personal information collected will be consistent with the *Privacy Act 1988*, the Act, and any other relevant laws.

Consequences of not collecting the personal and sensitive information

If you fail to provide any relevant personal and sensitive information we request in your application, your application may not be accepted.

See our [Privacy Policy](#) to learn more about accessing or correcting personal information or making a complaint about any breach of the Australian Privacy Principles or the Australian Government Agencies Privacy Code.

Further information and contacts

To learn more about accessing or correcting personal information or making a complaint:

Email: privacy@treasury.gov.au