

ACCC – Statement of Intent 2024

April 2024

1. This Statement of Intent outlines the response of the Australian Competition and Consumer Commission (ACCC) to the Government’s Statement of Expectations (SOE) of April 2024.

ACCC’s role

2.1 The ACCC is an independent Commonwealth statutory authority. The ACCC’s role is to administer and enforce the Competition and Consumer Act 2010 (Cth) (CCA) and other legislation, promoting competition and fair trading, protecting consumers and small business and regulating national infrastructure for the benefit of all Australians.

2.2 The ACCC is accountable to the Australian Parliament, and ultimately to the public, through Treasury portfolio ministers and parliamentary committee processes. Under Australia’s single consumer law multi-regulator model, the ACCC works with other Australian Consumer Law regulators in each state and territory.

2.3 To achieve its purposes, the ACCC focuses on key activities to achieve seven strategic objectives:

- Address anti-competitive conduct and promote competition.
- Prevent anti-competitive mergers.
- Improve competition and choice by facilitating safe and secure data sharing by consumers through the Consumer Data Right (CDR).
- Protect consumers and small business from misleading and deceptive conduct and promote fair trading informed by behavioural insights.
- Protect consumers from unsafe products.
- Regulate monopoly infrastructure in the long-term interests of consumers and monitor concentrated markets to promote competition and improvements to consumer welfare.
- Improve ACCC systems, capabilities and ways of working, including a data strategy designed to support the whole agency to obtain and use data to meet its strategic, operational and tactical objectives.

2.4 The ACCC uses its formal enforcement powers where appropriate to achieve pro-competitive outcomes and deter unacceptable consumer practices.

2.5 The ACCC applies the principles of regulator best practice, including managing risks proportionately and maintaining essential safeguards, while minimising regulatory burden.

The Government's policy priorities

- 3 The ACCC will continue to monitor and enforce compliance with Australia's competition and consumer laws, recognising the contribution that a competitive economy and empowered consumers can make to the Government's policy priorities, as set out in the Statement of Expectations.
 - 3.1 The ACCC will support the delivery of merger reform, including through a risk-based approach, making use of data and economic analysis, and increased transparency and guidance.
 - 3.2 The ACCC will continue to work with the Government to establish the National Anti-Scam Centre, to build it into an agile, effective and collaborative body leading public and private sector efforts to combat scams.
 - 3.3 The ACCC will continue to 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.
 - 3.4 The ACCC will continue to monitor and take enforcement action, where warranted, in response to competition and consumer concerns, including in relation to digital platforms.
 - 3.5 The ACCC will work with the Government to implement the Designated Complaints function. Once established, the ACCC will undertake up to three investigations in the first year of the function's operation.
 - 3.6 The ACCC will enforce compliance with the gas code, price cap order and other legal obligations for wholesale gas markets, consistent with the Government's Gas Market Emergency Price Order and the mandatory Gas Market Code.
 - 3.7 The ACCC will ensure that small businesses receive the protections of competition and consumer laws including industry codes and expanded unfair contract terms protections, through education, encouraging compliance and investigating in accordance with ACCC policy and priorities.
 - 3.8 The ACCC will regulate and enforce infrastructure, energy and telecommunications-specific competition laws with a view to protecting the long-term interests of end-users and encouraging sustainable investment, including in regional and remote Australia.
 - 3.9 The ACCC is committed to improving compliance by NDIS providers with their obligations under Australian Consumer Law by assessing and where warranted enforcing against complaints about conduct of NDIS providers that may breach the Australian Consumer Law, including those referred from the NDIA and the NDIS Commission. The ACCC is also committed to assisting the NDIS Commission in building its enforcement capability, as well as its consumer protection guidance for NDIS participants.

Relationship with stakeholders

- 4.1 The ACCC is committed to being transparent and engaging with government department and agencies, complaints resolution bodies including the Australian Small Business and Family Enterprise Ombudsman as well as consumer groups, industry associations and international partners.

- 4.2 Consistent with the SOE, the ACCC will continue to act independently in its regulatory, enforcement and advisory functions, while recognising Treasury's policy advising role. In doing so, the ACCC will work closely with the Government and Treasury, including through the provision of information and reports to Ministers in accordance with section 28(1)(b) of the CCA, and to support the delivery of merger reform.
- 4.3 The ACCC will also work collaboratively and share information with other Ministers 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, as outlined in the SOE.
- 4.4 The ACCC will continue to provide guidance so that businesses and consumers have clarity and guidance about how the ACCC will exercise its powers. The ACCC will maintain its hosting of a range of consultative committees and forums, to encourage discussion around consumer, competition and regulatory issues relevant to our work.
- 4.5 The ACCC will continue to coordinate, share information and work with counterpart regulators both domestically and in overseas jurisdictions, and with relevant international bodies.

Organisational matters

5. The ACCC will meet the Government's expectations on organisational matters as set out in the SOE.