

# ACCC 2024/25 enforcement priorities

## Cost of living pressures

The ACCC will focus on a number of key industries that impact cost of living pressures. This includes prioritising:

- competition, consumer, fair trading and pricing concerns in the food and grocery sector;
- promoting competition in essential services with a focus on telecommunications, electricity, gas and financial services;
- misleading pricing and claims in relation to essential services, with a focus on energy and telecommunications;
- misleading sales representations in relation to the price, features or benefits of essential goods and services that prevent consumers making informed purchasing decisions; and
- enforcement of the Gas Market Code, which took effect in September 2023.

## Other industries in focus

- The ACCC will be prioritising competition and consumer issues in the aviation sector, flagging that rates of cancellation and delay remain above long-term averages.
- The ACCC remains focused on consumer and fair-trading issues in the digital economy, with a particular focus on misleading or deceptive advertising in influencer marketing, online reviews, in-app purchases and price comparison websites.
- The ACCC will also be closely examining the video gaming industry and, in particular, in-app purchases.

## Consumers and small business

The ACCC will focus on:

- Unfair contract terms in consumer and small business contracts.
- Improving compliance by NDIS providers with their obligations under ACL.
- Improving industry compliance with consumer guarantees, with a focus on consumer electronics.
- Targeting misconduct by retailers in connection with delivery timeframes, noting an increase in complaints relating to delays.
- Consumer product safety issues for young children, with a focus on the safety of nursery products, including furniture, infant self-feeding and infant sleep products.
- Detecting and disrupting scams, especially those that impact consumers experiencing vulnerability or disadvantage.
- Conduct that specifically impacts the welfare of First Nations Australians (the ACCC is establishing a dedicated First Nations coordination, outreach and advocacy team).

## Competition enforcement

- The ACCC will continue to focus on cartel conduct, which remains an enduring priority.
- In particular, the ACCC will continue to bring cartel proceedings, including referring matters for criminal prosecution.
- The ACCC will continue to focus on anti-competitive agreements and misuse of market power, as part of its anti-competitive conduct enduring priority.

## Environment & sustainability

The ACCC will:

- Focus on product safety and sustainability, particularly around electrical products.
- Issue guidance in relation to recognising the public benefit of facilitating the transition and improvements in sustainability in the ACCC's assessment of conduct authorisations.
- Further develop its guidance on making environmental claims to include the use of third-party trust marks and claims in relation to emissions and offsets.
- Press ahead with a number of current, in-depth greenwashing investigations, including in the energy and consumer products sectors. We expect to see many of these resolved in 2024, including through litigation.

### WHAT HAPPENED IN 2023/24?

- Complaints hotline: the ACCC established an anonymous complaints portal to assist with detecting non-compliance with the Gas Market Code.
- Outcome of Retail Deposits Inquiry: the ACCC found that searching for, comparing and switching retail deposit products is harder than it should be. It recommended a number of reforms to improve transparency, clarity of terms and conditions.
- Enforcement Action: the ACCC instituted proceedings against EnergyAustralia for allegedly breaching both the Electricity Retail Code and the ACL when notifying customers of impending price changes.

### WHAT HAPPENED IN 2023/24?

- Enforcement action: the ACCC launched enforcement proceedings against Qantas alleging it had engaged in false, misleading or deceptive conduct by advertising tickets for flights that had already been cancelled.
- Influencer sweep: the ACCC published its findings following an internet sweep of testimonials and endorsements by influencers.

### WHAT HAPPENED IN 2023/24?

- Introduction of unfair contract term regime: as of 9 November 2023, UCTs are illegal and can attract significant penalties.
- Record penalties: a \$438m penalty was imposed against Phoenix and CTI for acting unconscionably and misleading consumers.
- Enforcement action: proceedings launched against Mosaic Brands alleging it had contravened the ACL by failing to deliver products within the delivery timeframes advertised, and misrepresented consumer guarantee rights in certain T&Cs.
- Protecting young children: 265 products were recalled by the ACCC in 2023, with 44 related to the safety of babies and children.

### WHAT HAPPENED IN 2023/24?

- The largest penalty for resale price maintenance conduct was imposed on power tool supplier Techtronic. Penalties totalled \$15 million.
- Cartel prosecutions and proceedings resolved: Bingo Industries, Aussie Skips and their CEOs received criminal sentences; ARM Architecture and its former MD received penalties; Delta Building Automation and its sole director were found to have engaged in cartel conduct.
- Total fines and penalties in excess of \$100 million were awarded in competition cases decided this financial year—the highest total ever achieved by the ACCC in a financial year for competition law breaches.

### WHAT HAPPENED IN 2023/24?

- First public outcome in relation to this priority: the ACCC accepted a court enforceable undertaking from MOO Premium Foods Pty Ltd in relation to false or misleading representations regarding 'ocean plastic' claims made about its yoghurt packaging.
- Sustainability and product safety: the ACCC's Lithium-ion Batteries Report was published, and a proposed recall notice issued for LG solar storage batteries that can overheat and catch fire without warning.
- Greenwashing guidelines: the ACCC issued its final guidelines, "Making environmental claims: a guide for business".

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