



## Senate Economics Committee - Senate Estimate

### Opening Statement

**Gina Cass-Gottlieb, ACCC Chair**

**15 February 2023**

Good afternoon Chair and Senators.

As I attend the Nation's capital to account for our work, I Acknowledge the Ngunnawal people, the traditional owners and custodians of the land where the Australian Parliament sits. I pay my respect to them, their culture and Elders past, present and future.

Since our last appearance before this Committee, in November last year, the ACCC finalised and published our latest Reconciliation Action Plan. The plan talks to our commitment to increase employment opportunities and development support for our first nation employees through to our connection with first nation consumers and prioritisation of action to address conduct that may often have a disproportionate impact on them. We are proud to support our First Nations' Employee Network, Mipla Tunapri, comprising two words from Aboriginal and Torres Strait Islander languages, meaning *we or us* and *to give knowledge and understanding*. Just as we benefit from listening to and being influenced by our colleagues in Mipla Tunapri, I noted in my forward to our RAP an ambition to elevate this influence by enhancing Aboriginal and Torres Strait Islander voices within the agency and our work and I look forward to sharing progress in this area with the Committee in future appearances.

The ACCC is very pleased to be here before the Committee. Today I am joined by ACCC CEO Scott Gregson and members of my senior management team both in person and online.

It has been an interesting and significant first year in my role as Chair and Agency head and I am grateful for the dedication and support of our highly capable teams and senior leaders right across the ACCC.

I would also like to take this opportunity to pay tribute to former Deputy Chair Delia Rickard, who departed the agency a few weeks ago. We are very grateful to have had her passionate leadership, expertise and 10 years of service at the ACCC. Newly appointed Deputy Chair Catriona Lowe is continuing the tradition of strong and forthright consumer advocacy, including in the important area of scam deterrence by making Australia a harder target for scammers.

The ACCC's remit is diverse and extensive.

As the national regulator responsible for competition law, consumer protection, fair trading and economic regulation, the ACCC focuses its capabilities and resources on action that best promotes the proper functioning of Australian markets, addresses conduct that is anti-competitive or harmful to consumers or small business and thereby enhances the welfare of Australians now and into the future.

As the consumer law enforcement agency, we enforce a range of general protections against unconscionable, misleading or deceptive conduct, and maintain specific roles in scams, product safety and a range of industries through codes, infrastructure regulation and ministerial directions.

The ACCC has a strong enforcement record and responds rapidly to issues that affect Australian consumers.

We had success in court last year against large businesses, including rideshare providers, food manufacturers, retail telecommunications providers, motor vehicle manufacturers, waste services companies, dairy processors and digital platforms. These and other cases led to penalties of over \$200 million last calendar year.

The ACCC continued its active enforcement program by instituting proceedings for conduct including criminal cartel conduct, misuse of market power and false or misleading representations in a wide span of sectors.

The ACCC is acutely aware of issues related to the cost of living for Australian consumers, particularly disadvantaged consumers and consumers experiencing vulnerability.

We see our indigenous outreach programs and our work, alongside the consumer representatives and community groups who are members of our Consumer Consultative Committee, as crucial here.

We continue to monitor areas of the economy where price changes have distinct relevance to the cost of living, including in relation to fuel, gas and retail electricity as well as ports, airports and airlines.

We are responding to government directions and community concern in undertaking recently commenced inquiries into childcare and insurance in Northern Australia.

We will soon commence work inquiring into retail deposit rates. The conduct of the financial services industry is critical in this rising interest rate environment, and we will progress the review and provide expert observations and advice by the conclusion of 2023.

The continued rollout of the Consumer Data Right has the capacity to enhance consumers' ability to find and switch to lower priced products, supporting competition and improving outcomes for consumers.

The ACCC is seeing an increase in merger activity. Many of these transactions are occurring in key industries including retailing, telecommunications, cash in transit services, financial services and aviation.

It is going to be an important and interesting year for the regulation of digital platforms, following the release of the ACCC's fifth report of the Digital Platform Services Inquiry, focused on recommendations for regulatory reform responding to significant consumer harms and important harms to competition that the ACCC has observed in the over six years of its inquiries into digital platform services in Australia.

Last month the ACCC conducted a sweep to identify misleading testimonials and endorsements by social media influencers. We are looking at a range of platforms – including Instagram, TikTok, Snapchat, YouTube, Facebook and Twitch – with a particular focus on sectors such as fashion, beauty, travel, health and fitness where influencer marketing is widespread.

We have received tip-offs from consumers about influencers who the consumers believed had failed to disclose their affiliation with the product or company they were promoting. The tip-offs reflect community concern about the ever-increasing incidence of manipulative marketing techniques in the digital economy, designed to exploit or pressure consumers into purchasing goods or services.

The ACCC's infrastructure regulation division has been engaged in major inquiries and regulatory assessments including the NBN Special Access Undertaking, the monitoring of the reduction and reinstatement in petrol excise, container stevedoring and the monitoring of the wholesale gas supply chain and retail electricity on the East Coast of Australia. In each area the ACCC dedicates extensive data and evidence gathering, expert analysis and experience to provide public reports and sound information to support Government policy decisions and regulatory determinations.

We have a major work program for the year ahead, including a new focus on environmental and sustainability claims to maintain community trust in green claims and to protect businesses that genuinely make investment in sustainable production. We look forward to our work contributing to the Government's planned National Anti-Scams Centre, together with other agencies and the private sector in protecting Australians from scams.

The ACCC's priorities are relevant for public sector entities, private businesses and consumers to understand their legal rights and obligations, particularly given the current economic circumstances.

I appreciate the opportunity to highlight the breadth of our recent work before turning to responding to the Committee's questions.