



## Questions on Notice – 22 August 2023

### **Senator Bragg: (paraphrasing) How many staff does the ACCC have working in enforcement?**

The ACCC has approximately 284 staff in our consumer, fair trading and competition enforcement areas, as at 1 September 2023. In addition the ACCC estimates there are 35 staff working in enforcement related matters in our specialist advice and services area (this includes internal lawyers, economists and data specialists working generally on enforcement matters).

There are also some limited further enforcement roles specific to product safety, consumer data right, and codes that are excluded from that figure. The figure also excludes Australian Energy Regulator enforcement staff.

### **Senator Shoebridge: You could tell me if there were any live investigations in relation to dark patterns, and, if so, how many.**

The ACCC is unable to comment on individual ongoing investigations. In deciding whether to investigate conduct that may breach the Competition and Consumer Act 2010 (CCA), including the Australian Consumer Law (ACL), the ACCC is guided by its compliance and enforcement policy and priorities.

It is important to note that the use of the term “dark patterns” can relate to a range of different conduct and has no agreed definition. Some conduct described as “dark patterns” is covered by existing provisions of the CCA or ACL, but other conduct is not. The ACCC has set out its concerns about these practices in a number of reports as part of our ongoing Digital Platform Services Inquiry. A number of our current investigations involve matters that may be described as “dark patterns” but it is not appropriate to quantify these given the variation in prominence of the issue and evolving nature of these investigations.