

## Introduction

### Background

- 1.1 The House of Representatives Standing Committee on Economics (the committee) is empowered to inquire into, and report on, the annual reports of government departments and authorities tabled in the House that stand referred to the committee in accordance with the Speaker's schedule.
- 1.2 The Australian Competition and Consumer Commission (ACCC) Annual Report 2019 and the ACCC Annual Report 2020 stand referred to the committee in accordance with this schedule. The committee resolved to conduct an inquiry into the ACCC's 2019 Annual Report on 7 October 2020, then extended the inquiry to cover the 2020 Annual Report through a resolution on 11 August 2021.
- 1.3 The ACCC is an independent Commonwealth statutory authority whose role is to enforce the *Competition and Consumer Act 2010* (previously the *Trade Practices Act 1994*) and a range of additional legislation.<sup>1</sup> The ACCC has a Chair, Deputy Chairs, Commissioners and Associate Members. Appointments to the ACCC involve participation by the Commonwealth, and state and territory governments. The ACCC currently comes under the portfolio responsibilities of the Treasury.
- 1.4 The ACCC's stated aims include promoting competition and fair trade in markets to benefit consumers, businesses, and the community. It also regulates national infrastructure services. The ACCC's key goals are:

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1 Part II—The Australian Competition and Consumer Commission (ACCC) of the *Competition and Consumer Act 2010* covers the establishment and functions of the ACCC.

- protecting the interests and safety of consumers and supporting fair trading in markets
  - promoting the economically efficient operation of, use of and investment in monopoly infrastructure
  - increasing its engagement with the broad range of groups affected by the ACCC's operations.<sup>2</sup>
- 1.5 The ACCC's role complements that of state and territory consumer affairs agencies which administer consumer protection legislation in their jurisdictions, and the consumer and competition policy work of the Treasury.
- 1.6 The ACCC's annual reports are joint annual reports with the Australian Energy Regulator (AER). The AER is Australia's national energy market regulator and has its functions set out in national energy market legislation and rules.
- 1.7 The ACCC and AER's financial results for 2018-2019 and 2019-20 are provided at Appendix B.

## **Scope and conduct of the review**

- 1.8 The ACCC appeared before the committee at two public hearings in Canberra on 23 October 2020 and 24 February 2021 as part of the committee's review of the ACCC 2019 and 2020 Annual Reports. The witness list for these public hearings is provided at Appendix A.
- 1.9 The proceedings were webcast through the Parliament's website, allowing interested parties to view or listen to the proceedings as they occurred. The transcripts of the hearings are available on the committee's website.<sup>3</sup>
- 1.10 The ACCC's responses to the committee's questions on notice and in writing are available on the committee's website.<sup>4</sup>
- 1.11 This report focuses on matters raised at the public hearings.

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2 ACCC, 'About the ACCC', [www.accc.gov.au/about-us/australian-competitionconsumer-commission/about-the-accc](http://www.accc.gov.au/about-us/australian-competitionconsumer-commission/about-the-accc), viewed 15 October 2020.

3 House of Representatives Standing Committee on Economics, [www.aph.gov.au/Parliamentary\\_Business/Committees/House/Economics/ACCCAnnualReport2019/Public\\_Hearings](http://www.aph.gov.au/Parliamentary_Business/Committees/House/Economics/ACCCAnnualReport2019/Public_Hearings).

4 House of Representatives Standing Committee on Economics, [www.aph.gov.au/Parliamentary\\_Business/Committees/House/Economics](http://www.aph.gov.au/Parliamentary_Business/Committees/House/Economics).