

Senate Economics Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Treasury Portfolio

Budget Estimates

2017 - 2018

Division/Agency: Australian Competition and Consumer Commission

Question No: 54

Topic: Resourcing

Reference: Written

Senator: Ketter, Chris

Question:

1. How many contacts has the ACCC received from consumers to date in 2017?
 - a. What proportion of these are by telephone? What is the average waiting time for consumers making a complaint by telephone?
 - b. What proportion of these are by email or web form? What is the average waiting period for consumers to receive an email response from the ACCC?
 - c. What data analytics are done with information received through the contact centre?
 - d. Does the ACCC envisage it will do more with data pursuant to recommendations of the Productivity Commission report into Consumer Law and Enforcement and the Consumer Affairs Australia New Zealand review into the Australian Consumer Law?
2. How many staff members does the ACCC have and at what classifications are they employed? How does this compare with the last 5 years?
3. How many consumer cases has the ACCC pursued through the legal system in the last 12 months?
 - a. Of these how many have been successful?
 - b. Please provide a schedule of penalties awarded through these actions.
 - c. Of those cases or claims that have been successful (either by settlement or judgment) what is the amount awarded to the ACCC in legal costs, and from how many cases? Please detail cases and amounts.
4. Overall, how much does the ACCC spend on enforcement and compliance? Is this increasing or decreasing from previous years? Provide a break down, year by year, on ACCC spend on enforcement and compliance.

Answer:

1. To 6 July 2017, the ACCC's Infocentre has received 138 714 contacts covering 41 140 calls served, 97 181 web forms and emails received, and 393 letters received. Note that these numbers includes contacts from both consumers and businesses.
 - a. As noted above, 41 140, or approximately 30%, of the contacts received to 6 July 2017 were by telephone. The average waiting time for people contacting the Infocentre in this period is 8 minutes and 42 seconds.
 - b. As noted above, 97 574, or approximately 70%, of the contacts received to 6 July 2017 were from web forms, emails and letters. In the period, 99% of written responses were sent within 15 working days, many within 7 working days.

- c. The ACCC uses information received through its Infocentre to conduct:
- trend analysis of contacts made about traders to determine where contacts received are above the monthly average for that trader
 - trend analysis of emerging issues including in relation to particular industries
 - trend analysis to set the annual ACCC compliance and enforcement policy
 - analysis of potential market failure, and
 - ad hoc data analysis where required for a particular enforcement or compliance investigation or action.
- d. The ACCC already works cooperatively with ACL regulators and other law enforcement bodies to enforce compliance with the ACL. Under existing regimes there are mechanisms for the sharing of data trends, identification of emerging issues and collaboration between ACL regulators as part of investigations. ACL regulators established ACLink, a secure extranet that allows ACL regulators to share intelligence and information.

2.

Headcount	Year				
	30/06/2013	30/06/2014	30/06/2015	30/06/2016	30/06/2017
GRAD	30	13	9	32	27
APS1	3	1	5	6	15
APS2	2	1	1		2
APS3	31	24	38	34	32
APS4	77	67	53	49	80
APS5	162	149	177	162	148
APS6	181	154	156	183	188
EL1	201	171	182	200	191
EL2	153	145	148	160	166
SESB1	33	28	29	31	30
SESB2	8	9	9	10	9
SESB3	3	2	2	1	1
POH	8	9	9	9	9
Total headcount	892	773	818	877	898

3. The cases that the ACCC pursues through the legal system can take many months, even years, to conclude. For many court proceedings that the ACCC has commenced in the last 12 months, the matter is still before the court, as it has not yet handed down judgement and/or penalty or cost orders. Further, for the court proceedings where a court has handed down judgement and/or made penalty or cost orders in the last 12 months, most of these proceedings were commenced prior to the last 12 months. As at 30 June 2017, 28 ACL cases remained before the Court. The ACCC's response to this question focuses on the court proceedings where the court has handed down judgement and made penalty and/or cost orders in the last 12 months.

ACL Case	Penalty ordered	Costs ordered
Dhruv Chopra	3 months imprisonment	The court ordered the respondents to pay the ACCC's costs on an indemnity basis.
Acquire Learning & Careers Pty Ltd	\$4 500 000	The court ordered the respondent to pay \$100 000 in costs.
Laurence Glynne Hann (contempt)	5 months imprisonment	The court ordered the respondents to pay the ACCC's costs on an indemnity basis.
The Joystick Company Pty Ltd	\$60 000	The court ordered the respondents to contribute \$5 000 to the ACCC's costs.
Social-Lites Pty Ltd	\$60 000	The court ordered the respondents to contribute \$10 000 to the ACCC's costs.
Elusion Australia Limited	\$55 000	The court ordered the respondents to contribute \$10 000 to the ACCC's costs.
Ozsale Pty Ltd	\$500 000	The court ordered the respondent to contribute \$50 000 to the ACCC's costs.
DuluxGroup (Australia) Pty Ltd	\$400 000	The court ordered the respondent to pay \$150 000 in costs.
NRM Corporation (contempt)	\$350 000	The court ordered the respondents to pay the ACCC's costs on an indemnity basis. A date for the costs hearing is yet to be fixed.
Reckitt Benckiser (Australia) (Appeal)	\$6 000 000	The court ordered the respondents to pay the ACCC's costs.
Lifestyle Photographers Pty Ltd	\$1 100 000	The court ordered the respondents to pay the ACCC's costs.
Valve Corporation (NOTE: aspects of this judgment are currently under appeal)	\$3 000 000	The court ordered that subject to some exceptions, Valve pay 75% of the ACCC's costs for the hearing on liability, and all the ACCC's costs for the hearing on relief.

ACL Case	Penalty ordered	Costs ordered
Harrison companies	\$250 000	The court ordered the respondents to pay the ACCC's costs.
Jetstar Airways Pty Ltd	\$545 000	No costs to the ACCC ordered.
Virgin Australia Airlines Pty Ltd	\$200 000	No costs to the ACCC ordered.

4. A summary of the total spend across the ACCC's Enforcement Division and the ACCC's Consumer, Small Business and Product Safety Division for the last few financial years is provided below.

	2012/13	2013/14	2014/15	2015/16	2016/17*
Enforcement and Compliance costs	\$58,792,000	\$60,293,000	\$60,593,000	\$62,358,000	\$49,736,000

** Results for 2016/17 are from 1 July 2016 to 31 May 2017. End of financial year results were not finalised at the time this Question on Notice was received.*