

Australian Competition and Consumer Commission

# 2023 Business Stakeholder Survey

REPORT ON FINDINGS

FINAL

19 July 2023

## Contents

<b>1</b>	<b>Executive summary</b> .....	<b>5</b>
<b>2</b>	<b>Introduction</b> .....	<b>10</b>
	Background and research objectives.....	10
	Research methodology and target audience .....	11
	Evaluation framework .....	13
	Profile of stakeholders.....	14
	Presentation of results .....	14
	Calculation and interpretation of index scores .....	15
	Quality standards.....	15
<b>3</b>	<b>Merger and Authorisation Review Findings</b> .....	<b>16</b>
	3.1 About this chapter .....	16
	3.2 Regulator best practice index scores and KPI summary.....	16
	3.3 RPG 1: Continuous improvement and building trust .....	18
	3.4 RPG 2: Risk based and data driven .....	22
	3.5 RPG 3: Collaboration and engagement .....	26
	3.6 ACCC values .....	30
	3.7 Comparison to other regulators .....	31
	3.8 Feedback on key strengths and suggestions for improvement .....	32
<b>4</b>	<b>Product Safety Findings</b> .....	<b>33</b>
	4.1 About this chapter .....	33
	4.2 Regulator best practice index scores and KPI summary.....	33
	4.3 RPG 1: Continuous improvement and building trust .....	35
	4.4 RPG 2: Risk based and data driven .....	39
	4.5 RPG 3: Collaboration and engagement .....	43
	4.6 ACCC values .....	47
	4.7 Comparison to other regulators .....	48
	4.8 Feedback on key strengths and suggestions for improvement .....	49
<b>5</b>	<b>Small Business Findings</b> .....	<b>50</b>
	5.1 About this chapter .....	50
	5.2 Regulator best practice index scores and KPI summary.....	50
	5.3 RPG 1: Continuous improvement and building trust .....	52
	5.4 RPG 2: Risk based and data driven .....	55

5.5	RPG 3: Collaboration and engagement .....	59
5.6	ACCC values .....	63
5.7	Comparison to other regulators .....	64
5.8	Feedback on key strengths and suggestions for improvement .....	64
<b>6</b>	<b>Infrastructure Regulation Findings .....</b>	<b>65</b>
6.1	About this chapter .....	65
6.2	Regulator best practice index scores and KPI summary.....	65
6.3	RPG 1: Continuous improvement and building trust .....	67
6.4	RPG 2: Risk based and data driven .....	71
6.5	RPG 3: Collaboration and engagement .....	75
6.6	ACCC values .....	79
6.7	Comparison to other regulators .....	80
6.8	Feedback on key strengths and suggestions for improvement .....	81
<b>7</b>	<b>Enforcement Findings .....</b>	<b>83</b>
7.1	About this chapter .....	83
7.2	Regulator best practice index scores and KPI summary.....	83
7.3	RPG 1: Continuous improvement and building trust .....	85
7.4	RPG 2: Risk based and data driven .....	89
7.5	RPG 3: Collaboration and engagement .....	91
7.6	ACCC values .....	93
7.7	Comparison to other regulators .....	94
7.8	Feedback on positive performance, and suggestions for improvement .....	94
<b>8</b>	<b>Market Studies and Inquiries Findings.....</b>	<b>95</b>
8.1	About this chapter .....	95
8.2	Regulator best practice index scores and KPI summary.....	95
8.3	RPG 1: Continuous improvement and building trust .....	96
8.4	RPG 2: Risk based and data driven .....	101
8.5	RPG 3: Collaboration and engagement .....	105
8.6	ACCC values .....	109
8.7	Comparison to other regulators – Market Studies and Inquiries.....	110
8.8	Feedback on key strengths and suggestions for improvement .....	111
<b>9</b>	<b>Consumer Data Right Findings .....</b>	<b>112</b>
9.1	About this chapter .....	112

9.2 Regulator best practice index scores and KPI summary.....	112
9.3 RPG 1: Continuous improvement and building trust .....	114
9.4 RPG 2: Risk based and data driven .....	118
9.5 RPG 3: Collaboration and engagement .....	122
9.6 ACCC values .....	126
9.7 Comparison to other regulators .....	127
9.8 Feedback on key strengths and suggestions for improvement .....	128

***Appendix A – Survey questionnaire***

***Appendix B – Survey frequency results***

***Appendix C – 2023 results versus previous years***

***Appendix D – KPI summary tables***

***Appendix E – Questionnaire concordance with 2019***

# 1 Executive summary

In 2023, the Australian Competition and Consumer Commission (ACCC) invited a sample of its business stakeholders to provide feedback on the ACCC’s performance against best practice principles in the Regulator Performance Guide (RPG):

- Principle 1: Continuous improvement and building trust: regulators adopt a whole-of-system perspective, continuously improving their performance, capability and culture to build trust and confidence in Australia’s regulatory settings;
- Principle 2: Risk based, and data driven: regulators manage risks proportionately and maintain essential safeguards while minimising regulatory burden, and leveraging data and digital technology to support those they regulate to comply and grow; and
- Principle 3: Collaboration and engagement: regulators are transparent and responsive communicators, implementing regulations in a modern and collaborative way.

The ACCC sought to obtain the views of businesses that had substantial interaction with the ACCC in the 12-18 months prior to the survey in at least one of the following seven core function areas:

1. Merger and Authorisation Review
2. Product Safety
3. Small Business
4. Infrastructure and Regulation
5. Enforcement
6. Market Studies and Inquiries
7. Consumer Data Right

Overall 882 business stakeholders were invited to participate in the survey, of which 131 responded, representing an overall response rate of 15%. Response rates were lowest for the Small Business function (4 responses) and the Enforcement function (6 respondents); thus results for these areas should be interpreted with caution.

Table 1, provides a summary of results across all function areas as an overall agency score for each principle of regulator best practice.

**Table 1: Achieving regulator best practice overall agency index scores**

Composite index scores across the three principles of regulatory best practice (0-100ip)	
Principle 1: Continuous improvement and building trust	58.7
Principle 2: Risk based and data driven	55.2
Principle 3: Collaboration and engagement	61.6

Table 2 summarises the results by function areas across the three principles of regulator best practice and supporting KPI statements. Overall, the results indicate that the ACCC is performing well in adhering to the principles of regulator best practice, with positive ratings on balance recorded across the majority of RPG index scores and underlying KPIs.

While respondents from different function areas had varying levels of agreement across the three principles, perceptions of Principle 1 (Continuous improvement and building trust), and Principle 3 (Collaboration and engagement), were generally more positive compared to ratings recorded for Principle 2 (Risk based and data driven).

Respondents across all function areas held favourable perceptions of ACCC's efforts in demonstrating its core values, particularly 'Trustworthy' and 'Independent'. However, respondents were relatively less likely to agree the ACCC demonstrated being 'Informed' (Table 3).

Among respondents across all function areas (except for Consumer Data Right respondents), the proportion who felt the ACCC's performance against the three principles was *better* than that of other Australian Government regulators was higher than the proportion who felt the ACCC's performance was comparatively worse. Perceptions of the ACCC's performance compared to other regulators was particularly positive among Mergers and Authorisation Review respondents (Table 4).

**Table 2: Achieving regulator best practice index scores**

		Mergers and authorisation reviews	Product safety	Small business	Infrastructure regulation	Enforcement	Market studies and inquiries	Consumer Data Right
<i>2023 Base sizes</i>		<i>(n=13-16)</i>	<i>(n=24-31)</i>	<i>(n=2-4)</i>	<i>(n=12-15)</i>	<i>(n=3-6)</i>	<i>(n=28-34)</i>	<i>(n=17-19)</i>
<b>RPG 1: Continuous improvement and building trust</b>	<b>Index score (0-100ip)</b>	<b>66.4ip</b>	<b>57.8ip</b>	<b>70.8ip</b>	<b>57.5ip</b>	<b>62.5ip</b>	<b>55.1ip</b>	<b>58.1ip</b>
The ACCC's compliance and monitoring approaches are streamlined and coordinated (KPI 4)	<i>Agree %</i>	69%	68%	66%	58%	67%	51%	58%
	<i>Disagree %</i>	13%	20%	0%	25%	33%	27%	27%
The ACCC actively contributes to the continuous improvement of regulatory frameworks (KPI 6)	<i>Agree %</i>	75%	50%	50%	33%	67%	37%	59%
	<i>Disagree %</i>	6%	18%	50%	20%	0%	25%	18%
<b>RPG 2: Risk based, and data driven</b>	<b>Index score (0-100ip)</b>	<b>58.3ip</b>	<b>62.1ip</b>	<b>75.0ip</b>	<b>50.0ip</b>	<b>65.6ip</b>	<b>49.3ip</b>	<b>49.3ip</b>
The ACCC does not unnecessarily impede the efficient operation of regulated entities (KPI 1)	<i>Agree %</i>	50%	54%	75%	40%	50%	44%	34%
	<i>Disagree %</i>	21%	16%	0%	47%	0%	33%	44%
The actions undertaken by the ACCC are proportionate to the regulatory risk being managed (KPI 3)	<i>Agree %</i>	43%	59%	100%	33%	67%	33%	39%
	<i>Disagree %</i>	21%	10%	0%	27%	0%	35%	28%
<b>RPG 3: Collaboration and engagement:</b>	<b>Index score (0-100ip)</b>	<b>66.1ip</b>	<b>60.3ip</b>	<b>75.0ip</b>	<b>68.3ip</b>	<b>75.0ip</b>	<b>60.1ip</b>	<b>52.8ip</b>
The ACCC's communication with regulated entities is clear, targeted and effective (KPI 2)	<i>Agree %</i>	64%	62%	100%	67%	100%	63%	39%
	<i>Disagree %</i>	14%	17%	0%	14%	0%	10%	45%
The ACCC is open and transparent in its dealings with regulated entities (KPI 5)	<i>Agree %</i>	62%	67%	100%	86%	100%	55%	53%
	<i>Disagree %</i>	8%	12%	0%	14%	0%	28%	18%

**Table 3: ACCC's values index scores**

	Mergers and authorisation reviews (n=14)	Product safety (n=29)	Small business (n=3)	Infrastructure regulation (n=15)	Enforcement (n=3)	Market studies and inquiries (n=28)	Consumer Data Right (n=16)
<b>Values index score (0-100ip)</b>	75.4ip	68.7ip	78.3ip	73.5ip	77.5ip	60.2ip	65.2ip

**Table 4: Perceptions of the ACCC's performance against the 3 principles relative to other Australian Government regulators**

	Mergers and authorisation reviews (n=13)	Product safety (n=28)	Small business (n=3)	Infrastructure regulation (n=15)	Enforcement (n=3)	Market studies and inquiries (n=27)	Consumer Data Right (n=16)	
q22. Thinking about the past 12-18 months, how would you rate the performance of the ACCC relative to other Australian Government regulators that your business has engaged with?	Better than other Australian Government regulators	77%	36%	33%	40%	67%	33%	19%
	The same as other Australian Government regulators	15%	25%	67%	33%	-	37%	19%
	Worse than other Australian Government regulators	-	7%	-	13%	33%	7%	25%
	Unsure	8%	32%	-	13%	-	22%	38%



**Merger and Authorisation Review respondents** reported favourable perceptions of the ACCC in meeting each of the three principles of regulator best practice. They were particularly positive regarding Principle 1 (Continuous improvement and building trust) (66.4ip) and Principle 3 (Collaboration and engagement) (66.1ip), while ratings for Principle 2 (Risk based and data driven) were slightly lower (58.3ip). 43%-75% of stakeholders agreed with each of the supporting KPI statements.

**Product Safety** respondents held positive perceptions of the ACCC's performance against each of the three regulator best practice principles. Ratings were highest for Principle 2 (Risk based and data driven) (62.1ip) and lowest for Principle 1 (Continuous improvement and building trust) (57.8ip). 50%-68% of stakeholders agreed with each of the supporting KPI statements.

**Small Business respondents** achieved very favourable index scores for all three principles of regulator best practice (70.8ip-75.0ip), although please note the low base sizes for this function area when interpreting the results in this section (n=3-4). 50%-100% stakeholders agreed with each of the KPI statements.

**Infrastructure Regulation** respondents generally held favourable views of the ACCC's performance against the three principles of regulator best practice. They were particularly positive in relation to Principle 3 (Collaboration and engagement), achieving a strong index score of 68.3ip. Ratings recorded for Principle 2 (Risk based and data driven) were more neutral (50.0ip). A wide range of 33%-86% stakeholders agreed with each of the KPI statements .

**Enforcement** respondents achieved positive index scores for each of the three principles of regulator best practice, particularly for Principle 3 (Collaboration and engagement) (75.0ip) which recorded a 100% agreement rate for both KPI statements. However, please note the low base sizes for this function area when interpreting the results in this section (n=3-6). 50%-100% agreed with each of the KPI statements.

**Market Studies and Inquiries** respondents held neutral to moderately positive ratings view of ACCC's performance against each of the three principles of regulator best practice. Respondents reported more favourable perceptions of Principle 1 (Continuous improvement and building trust) (55.1ip), as well as Principle 3 (Collaboration and engagement) (60.1ip). However, ratings recorded for Principle 2 (Risk-based and data driven) were lower (49.3ip). 33%-63% of Market Studies and Inquiries respondents agreed with each of the KPI statements.

**Consumer Data Right** respondents recorded largely neutral ratings on balance across each of the three principles of regulator best practice. Ratings achieved for Principle 1 (Continuous improvement and building trust) (58.1ip) were higher compared to Principle 2 (Risk based and data driven) (49.3ip) and Principle 3 (Collaboration and Engagement) (52.8ip). Additionally, ratings recorded for Principle 3 among Consumer Data right respondents were notably lower compared to ratings for Principle 3 reported by respondents from other function areas (52.8ip, compared to 60.1ip-75.0ip in other function areas). 34%-59% agreed with each of the KPI statements.

## 2 Introduction

### Background and research objectives

In 2023, the Australian Competition and Consumer Commission (ACCC) commissioned ORIMA Research to obtain insight into how regulated businesses (small to medium enterprise through to large businesses) perceive the ACCC's performance against the three best practice principles in the Regulator Performance Guide (RPG):

- Principle 1: Continuous improvement and building trust: regulators adopt a whole-of-system perspective, continuously improving their performance, capability and culture to build trust and confidence in Australia's regulatory settings;
- Principle 2: Risk based, and data driven: regulators manage risks proportionately and maintain essential safeguards while minimising regulatory burden, and leveraging data and digital technology to support those they regulate to comply and grow; and
- Principle 3: Collaboration and engagement: regulators are transparent and responsive communicators, implementing regulations in a modern and collaborative way.

The ACCC sought to obtain the views of businesses that have had substantial interaction with the ACCC in the previous 12-18 months in at least one of its following seven core functional areas:

1. Merger and Authorisation Review
2. Product Safety
3. Small Business
4. Infrastructure and Regulation
5. Enforcement
6. Market Studies and Inquiries
7. Consumer Data Right

This research was conducted previously in 2016, 2017, 2018 and 2019 to support reporting under the previous Regulator Performance Framework.

In July 2021, the Regulator Performance Framework was replaced by the Regulator Performance Guide, and subsequently in 2022 was renamed the Resource Management Guide – Regulator Performance (RMG128). However, the principles have remained consistent through the Regulator Performance Guide and the Resource Management guide, therefore throughout this report we continue to reference the Regulator Performance Guide (RPG).

Since the previous survey, there have been changes to the Government's expectations for regulator performance including the requirement to incorporate reporting against the three principles of regulator best practice through their Corporate Plans and Annual Reports. To remain transparent and ensure continuity of results from 2019 to 2023, the survey questions that previously aligned to six key performance indicators (KPIs) from the regulator performance framework have been mapped to the current three principles of regulator best practice (see Figure 1). The original six KPIs under the Regulator Performance Framework are:

- Regulators do not unnecessarily impede the efficient operation of regulated entities (KPI 1);
- Communication with regulated entities is clear, targeted and effective (KPI 2);
- Actions undertaken by regulators are proportionate to the regulatory risk being managed (KPI 3);
- Compliance and monitoring approaches are streamlined and coordinated (KPI 4);

- Regulators are open and transparent in their dealings with regulated entities (KPI 5); and
- Regulators actively contribute to the continuous improvement of regulatory frameworks (KPI 6).

The labelling of each KPI has been kept in line with 2019 for consistency. These KPIs primarily focus on regulators' actions in relation to businesses subject to regulatory processes, rather than other stakeholders such as consumers and businesses that benefit from the actions undertaken by regulators.

The body of this report presents the 2023 results by function area. Historical results are provided in Appendix C and Appendix D. Comparisons to previous years' results should be made with caution due to changes in the scope of businesses invited to participate and changes to the questionnaire, to align questions with the new regulator best practice principles (see Appendix E for a questionnaire concordance).

## Research methodology and target audience

### Target audience

The target audience for the survey was businesses that have had substantial interaction with the ACCC in the previous 12-18 months in at least one of its seven core function areas.

The criteria for inclusion were the same as 2019, with the addition of the Consumer Data Right function that has been introduced since the last survey.

A description of each function area is provided below.

**Table 5: Descriptions of function areas**

Function	Description
<b>Merger and Authorisation Review</b>	The Mergers and Authorisation Review function relates to the review of (proposed) mergers and acquisitions to assess whether they would substantially lessen competition; as well as review applications by businesses that wish to engage in certain anti-competitive arrangements or conduct for exemption from the Competition and Consumer Act 2010 because those arrangements or conduct results in a net public benefit.
<b>Product Safety</b>	The Product Safety function relates to ensuring Australian consumers are not harmed by unsafe products such as defective items or those containing unsafe chemicals. The ACCC works with domestic and international counterparts on joint surveillance, education and policy initiatives.
<b>Small Business</b>	The Small Business function relates to informing businesses of their rights and obligations under the Competition and Consumer Act 2010, including the Australian Consumer Law, through engagement, education and the provision of specialised information.
<b>Infrastructure Regulation</b>	The Infrastructure Regulation function relates to the economic regulation of communications, transport and rural water sectors and the monitoring of certain industries such as fuel and airports.
<b>Enforcement</b>	The Enforcement function relates to the investigation and resolution, including through litigation, of potential breaches by businesses and individuals of the competition, fair trading and consumer protection provisions of the Competition and Consumer Act 2010.

<b>Market Studies and Inquiries</b>	The Market Studies and Inquiries function relates to the ACCC's use of its legal, economic, investigative and regulatory expertise to conduct in-depth market studies and industry reviews that increase transparency, enhance our enforcement capability, and contribute to government policy.  Market studies and inquiries conducted over the past 12 months include: Digital platforms; Gas; Insurance; and Electricity Markets.
<b>Consumer Data Right</b>	The Consumer Data Right function relates to the ACCC's range of activities contributing to the operation of the CDR program. This includes delivering the enabling technology solutions, supporting participants with testing and on-boarding, accreditation of data recipients, and promoting compliance with and enforcement of the rules and standards.

### Survey fieldwork

The online survey was largely based on the questionnaire used in 2019, and was comprised of questions that related to the three principles of best practice, key performance indicators as well as supporting statements (see Appendix A for Survey questionnaire).

The online survey was conducted between Wednesday 19 April and Tuesday 16 May 2023. In total, 131 out of 882 business stakeholders provided a response to the survey, representing an overall response rate of 15%.

To encourage participation in the survey, the ACCC sent an initial email to business stakeholders advising them of the upcoming survey and ORIMA Research's role in delivering the survey. ORIMA Research then followed up with a survey invitation email. Three reminder emails were sent during fieldwork to maximise participation.

Response rates were broadly consistent across function areas, although only small number of business stakeholders in the Small Business and Enforcement areas provided a response.

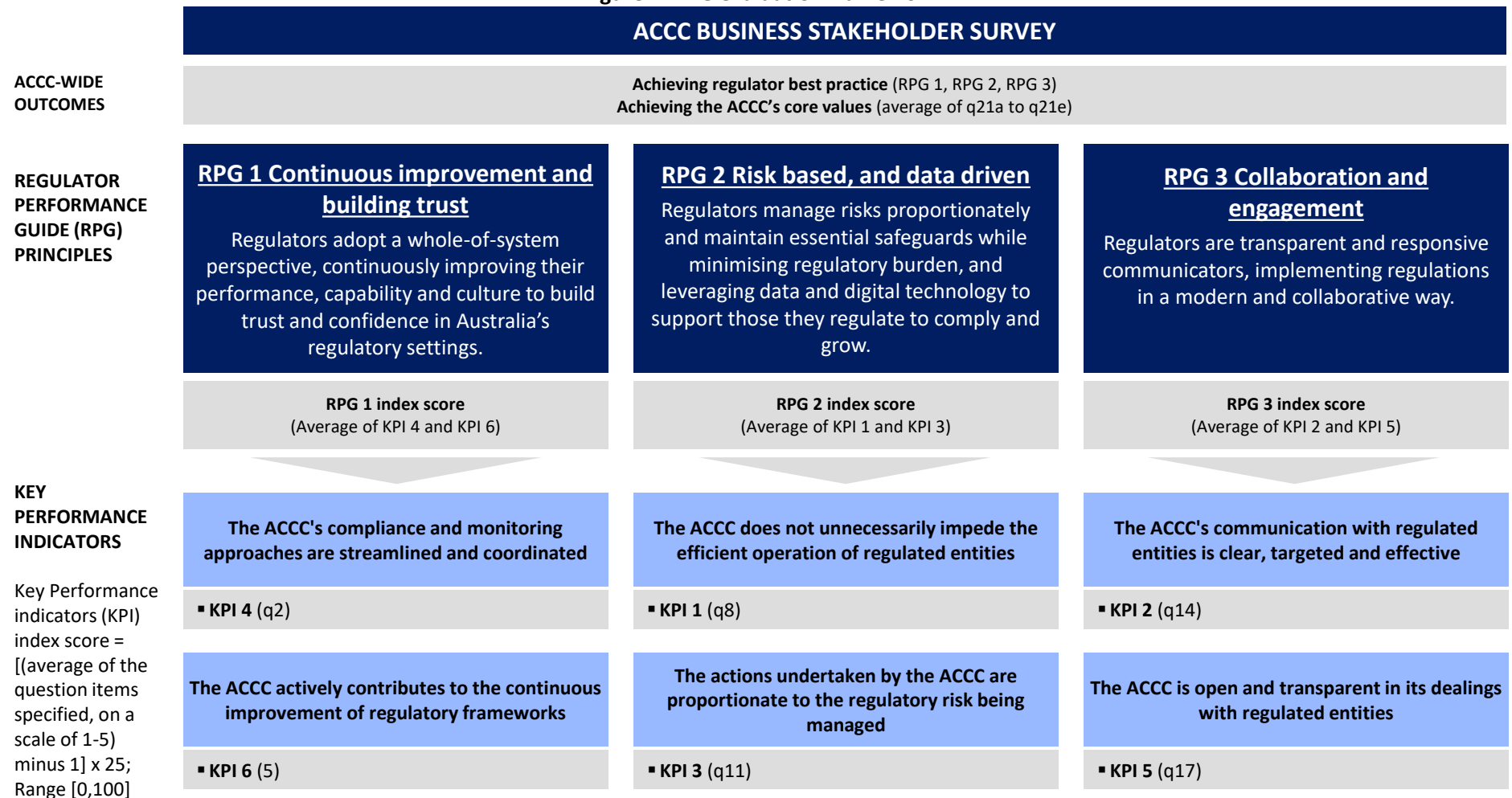
**Table 6: Response rate by function area**

Function area	Number of business stakeholders invited (N=)	Number of business stakeholders responded (n=)	Response rate
Merger and Authorisation Review	112	16	14%
Product Safety	199	32	16%
Small Business	42	4	10%
Infrastructure Regulation	103	15	15%
Enforcement	53	6	11%
Market Studies and Inquiries	264	38	14%
Consumer Data Right	109	20	18%
<b>TOTAL</b>	<b>882</b>	<b>131</b>	<b>15%</b>

## Evaluation framework

The evaluation framework below outlines the three principles of regulator best practice from the Regulator Performance Guide and their corresponding original key performance indicators. It also specifies the questions used to calculate each index score in this report.

Figure 1: RPG evaluation framework



## Profile of stakeholders

Over half (55%) of respondents came from large businesses (employing 200 or more employees), and the remainder were evenly split between medium businesses (with 20 to 199 employees) and smaller business (with less than 20 employees). Respondents came from a wide range of industry classifications. The tables below provide the breakdown.

**Table 7: Size of business – overall**

Micro business (up to 4 employees)	5%
Small business (5 to 19 employees)	18%
Medium business (20 to 199 employees)	22%
Large business (200 or more employees)	55%

**Table 8: Industry classification – overall**

Financial and insurance services	22%
Retail trade	19%
Wholesale trade	18%
Electricity, gas, water, and waste services	17%
Professional, scientific and technical services	17%
Information, media and telecommunications	16%
Manufacturing	12%
Mining	7%
Transport, postal and warehousing	6%
Health care and social assistance	6%
Construction	2%
Education and training	2%
Accommodation and food services	1%
Other services	3%

## Presentation of results

Reported percentages are based on the total number of valid responses made to the particular question being reported on. This occasionally differs from the total number of completed survey questionnaires because of omissions in the completed questionnaires. The results reflect the responses of people who had a view and for whom the questions were applicable. ‘Don’t know/ unsure’ responses have been excluded, so that results only include responses from respondents who had a view on each question.

Please exercise caution when interpreting results for some function areas, as some question and index score results will have low base sizes among some areas (less than n=5). Where low base sizes apply to a particular function area, these results have been flagged at the start of each section.

Questions are reordered in stacked bar charts from most positive to least positive, based on the cumulative percentage result for the top two most positive response options (e.g. total agreement comprising 'strongly agree' and 'agree'). For charts containing overarching KPI questions, KPI questions are always presented first.

Percentage results in stacked bar charts throughout the report may not add up to 100% due to rounding. Similarly, some cumulative percentage results (e.g. total agreement including strongly agree and agree) do not align with the corresponding charts due to rounding. In these cases, the text has been adjusted to align with percentage results in the charts. Please refer to Appendix B for the full survey frequency results.

## Calculation and interpretation of index scores

The index for a question is the mean (average) response for the question across respondents (using the numerical score from the 5-point response scale) transformed into a 0 to 100-point scale. Index score results are reported as index points (ip) throughout this report.

The aggregate indices have the following properties:

- index scores of 0–49 indicate that, on average, respondents have provided an unfavourable assessment (e.g. 'disagree' or 'strongly disagree' with a positive statement) of the ACCC's performance;
- an index score of 50 indicates that, on average, respondents have provided a neutral assessment (e.g. 'neither agree nor disagree' with a statement);
- index scores of 51–100 indicate that, on average, respondents have provided a favourable assessment;
- the higher the index score, the more positive the average respondent's perception of the ACCC's performance;
- if all respondents provided the most positive rating possible to all of the questions covering an area of performance, the index score would be 100; and
- if all respondents provided the least positive rating possible to all of the questions covering an area of performance, the index score would be 0.

## Quality standards

This project was conducted in accordance with the international quality standard ISO 20252, the international information security standard ISO 27001, as well as the Australian Privacy Principles contained in the Privacy Act 1988 (Cth). ORIMA Research also adheres to the Privacy (Market and Social Research) Code 2021 administered by the Australian Data and Insights Association (ADIA).

## 3 Merger and Authorisation Review Findings

### 3.1 About this chapter

This chapter presents the findings for the Merger and Authorisation Review function area of the ACCC. The Mergers and Authorisation Review function relates to the review of (proposed) mergers and acquisitions to assess whether they would substantially lessen competition; as well as review applications by businesses that wish to engage in certain anti-competitive arrangements or conduct for exemption from the Competition and Consumer Act 2010 because those arrangements or conduct result in a net public benefit. Overall, 16 out of 112 stakeholders responded to the survey, representing an overall response rate of 14%.

### 3.2 Regulator best practice index scores and KPI summary

Merger and Authorisation Review respondents reported favourable perceptions of the ACCC in meeting each of the three principles of regulator best practice. They were particularly positive regarding Principle 1: Continuous improvement and building trust and Principle 3: Collaboration and engagement, while ratings for Principle 2: Risk based and data driven were slightly lower.

43%-75% of stakeholders agreed with each of the supporting KPI statements (see Figure 2 overleaf).

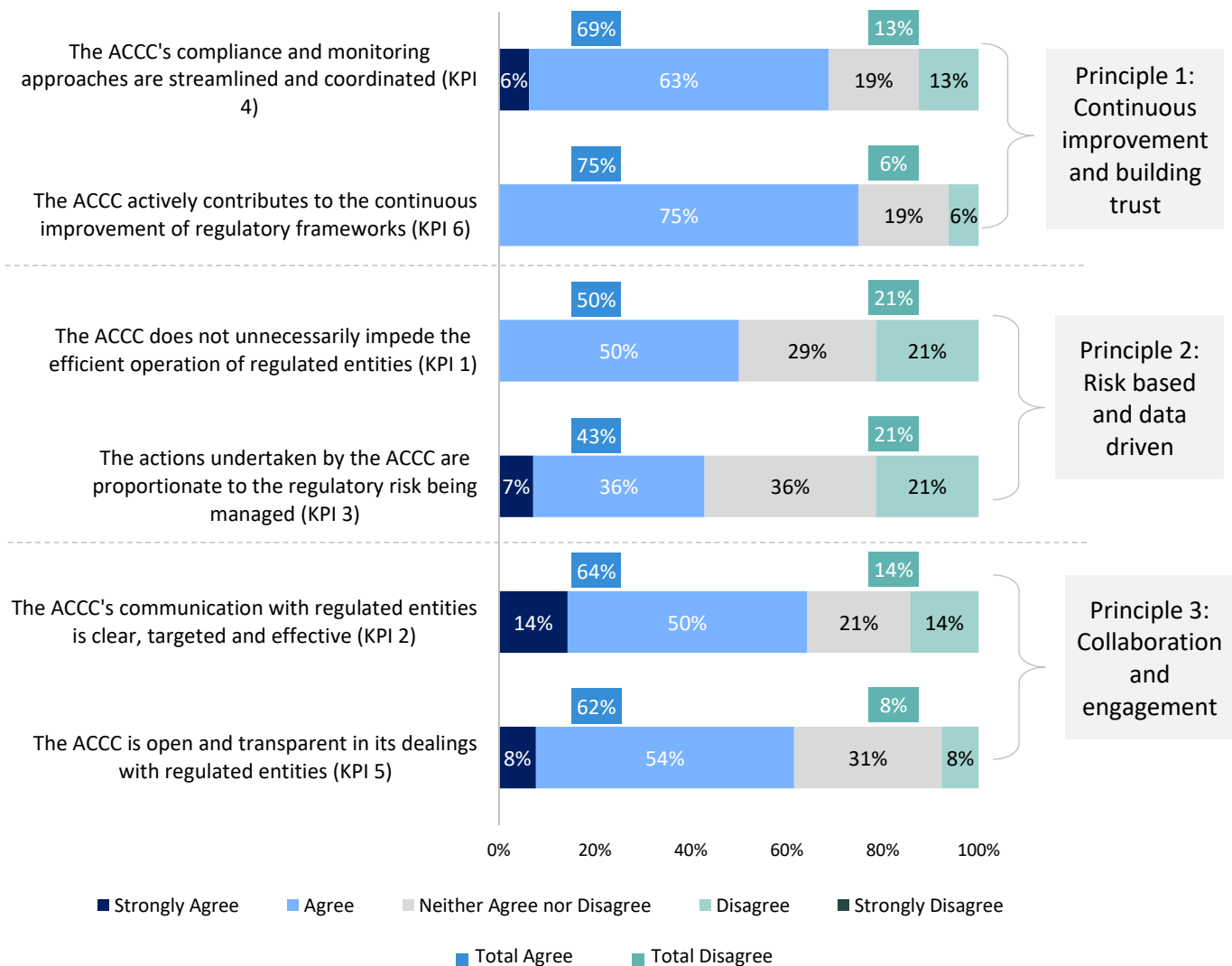
**Table 9: Achieving regulator best practice index score**  
(Base: Merger and Authorisation Review respondents, n=14-16)

Composite index scores across the three principles of regulatory best practice (0-100ip)	
Principle 1: Continuous improvement and building trust	66.4ip
Principle 2: Risk based and data driven	58.3ip
Principle 3: Collaboration and engagement	66.1ip



**Figure 2: KPI summary**

(Base: Merger and Authorisation Review respondents, n=13-16)



### 3.3 RPG 1: Continuous improvement and building trust

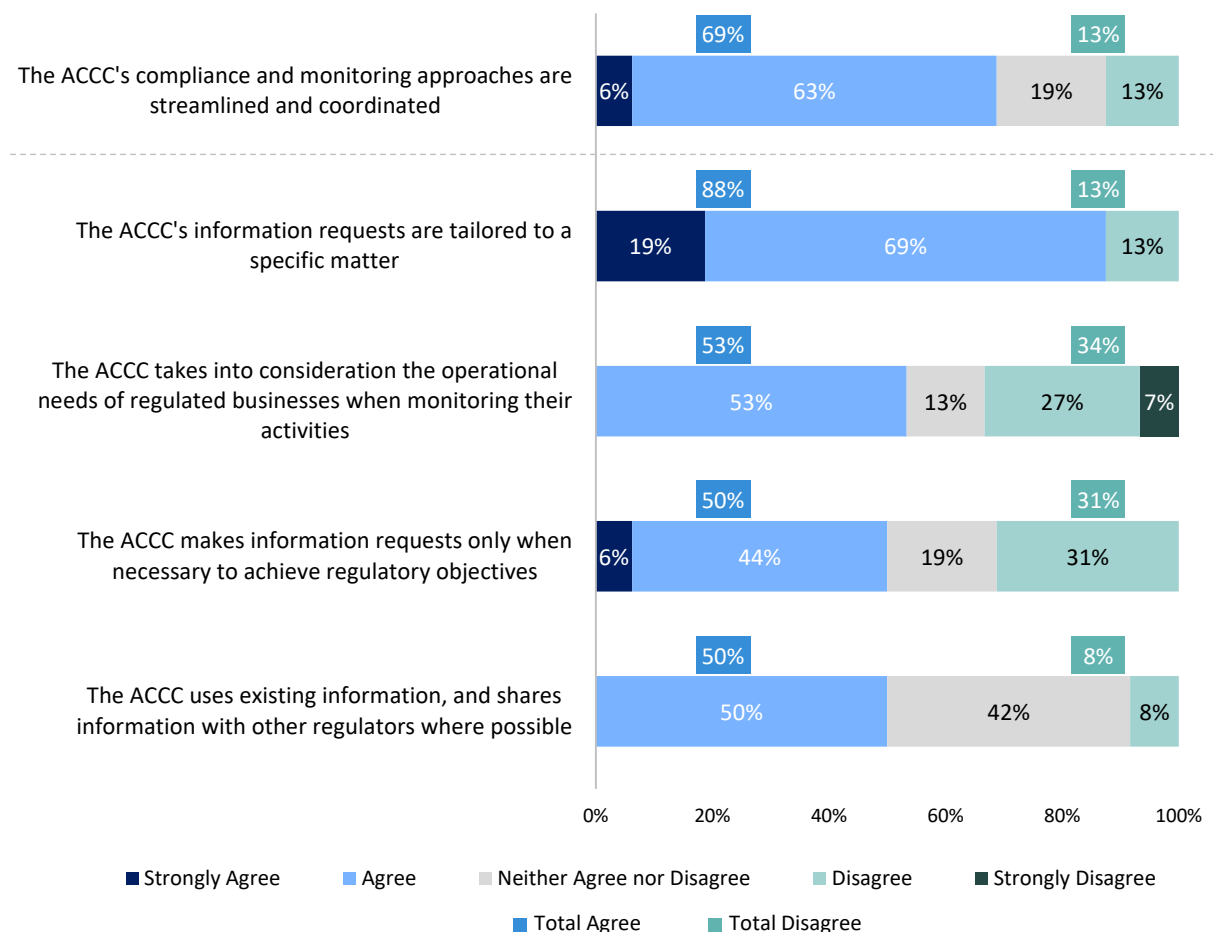
#### ***Compliance and monitoring approaches are streamlined and coordinated (KPI 4)***

Overall, nearly seven in ten respondents (69%) agreed that the ACCC’s compliance and monitoring approaches are streamlined and coordinated while only around one in ten (13%) disagreed.

Merger and Authorisation Review respondents were most positive regarding the tailoring of ACCC’s information requests (88% agreed), whereas agreement for other supporting statements was comparatively lower (50%-53%). A notable proportion disagreed that the ACCC takes into consideration the operational needs of regulated businesses when monitoring their activities (34% *disagreed*) and makes information requests only when necessary to achieve regulatory objectives (31%).

**Figure 3: Compliance and monitoring approaches are streamlined and coordinated (KPI 4)**

(Base: Merger and Authorisation Review respondents, n=12-16)



#### **Open-ended feedback for KPI 4**

n=9 Merger and Authorisation Review respondents provided a comment regarding ACCC's contribution to the continuous improvement of regulatory frameworks.

##### *Positive feedback:*

Most comments were positive, noting ACCC's streamlined systems and consideration in assessing burdens.

*"I rarely have the experience of the ACCC asking for the same or overlapping information on multiple occasions."*

*"Generally the ACCC does take care in assessing burdens and is proportionate in its info requests."*

##### *Opportunities for improvement/ Areas of concern:*

A few respondents reported having mixed experiences.

*"Experienced numerous situations in the course of longstanding review where the lack of coordination within the ACCC has resulted in inaccurate statements being proposed to be made (i.e., because they have not followed through the information trail they have been provided but instead have sought to utilise each tranche of provided information separately from earlier tranches). This suggests a lack of coordination within the case team or teams who are responsible for each tranche of information provided."*

*"Understanding more about the reason behind information requests, including by early engagement with industry/affected parties, will improve this metric."*

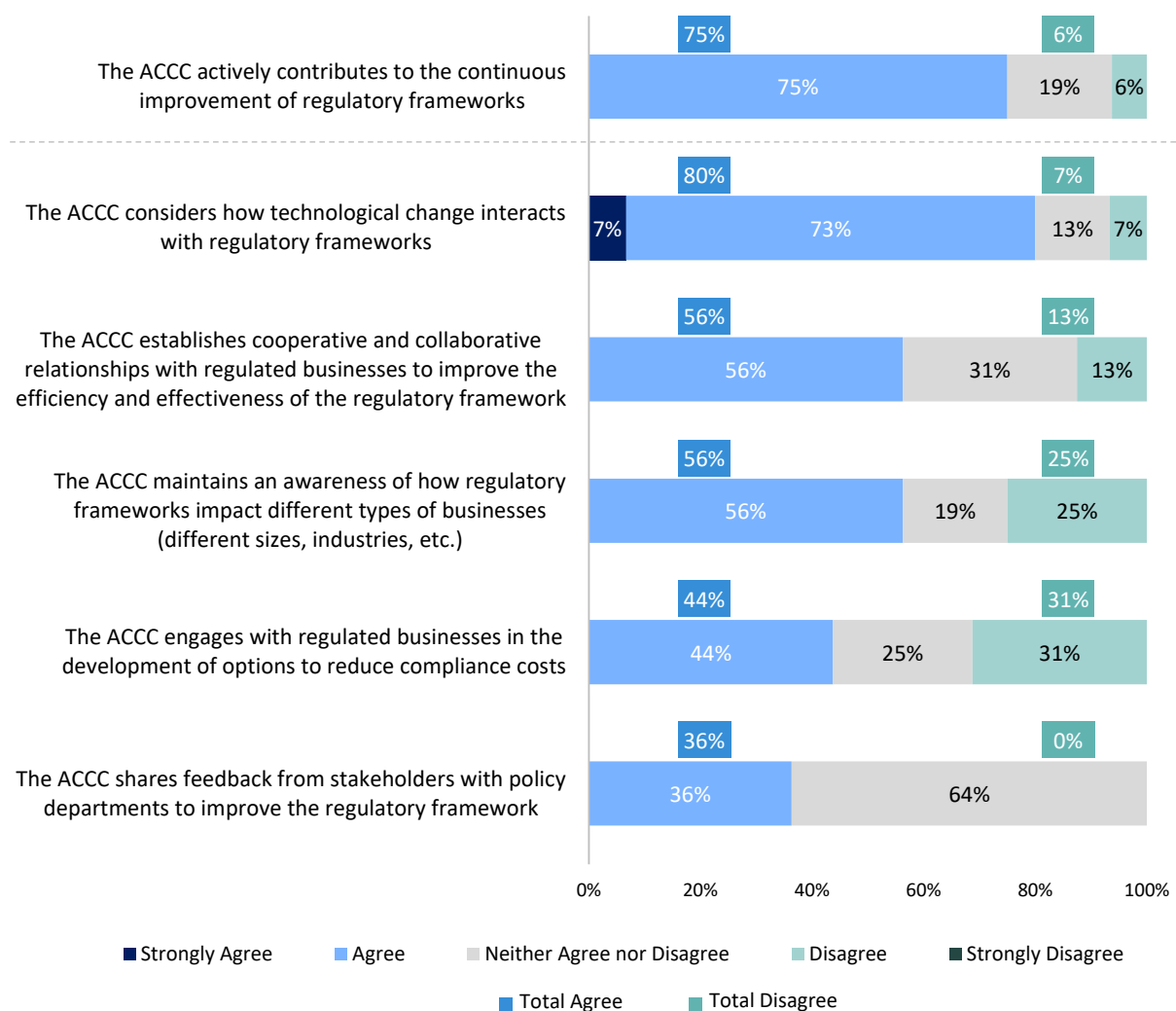
## Regulators actively contribute to the continuous improvement of regulatory frameworks (KPI 6)

The large majority of Merger and Authorisation Review respondents (75%) agreed that the ACCC actively contributes to the continuous improvement of regulatory frameworks.

For the supporting statements, respondents were particularly positive about the ACCC considering how technological change interacts with regulatory frameworks (80%), while perceptions relating to other aspects were notably lower (36%-56%). In particular, around three in ten (31%) respondents *disagreed* that the ACCC engages with regulated businesses in the development of options to reduce compliance costs.

**Figure 4: Regulators actively contribute to the continuous improvement of regulatory frameworks (KPI 6)**

(Base: Merger and Authorisation Review respondents, n=11-16)



### Open-ended feedback for KPI 6

n=5 Merger and Authorisation Review respondents provided a comment relating to the ACCC's contribution to the continuous improvement of regulatory frameworks.

#### *Positive feedback:*

A few respondents acknowledged ACCC's attempts to improve its processes.

*"The ACCC does make genuine attempts to improve its processes over time."*

*"The ACCC is trying to improve the efficiency of its processes."*

#### *Opportunities for improvement/ Areas of concern:*

Some respondents noted concerns such as perceived lack of sufficient consideration for compliance costs to businesses.

*"I think the way in which the ACCC contributes is to add more to the regulatory framework rather than considering whether the regulatory framework is fit for purpose."*

*"I think the ACCC is an excellent regulator that does genuinely contemplate and engage to improve its regulatory framework. That said, in certain contexts, the compliance costs to business of certain engagements are not (in my opinion) given sufficient weight."*

*"Better communication and initiatives such as fortnightly regular meetings with the parties' lawyers and the staff team are helpful in that regard."*

### 3.4 RPG 2: Risk based and data driven

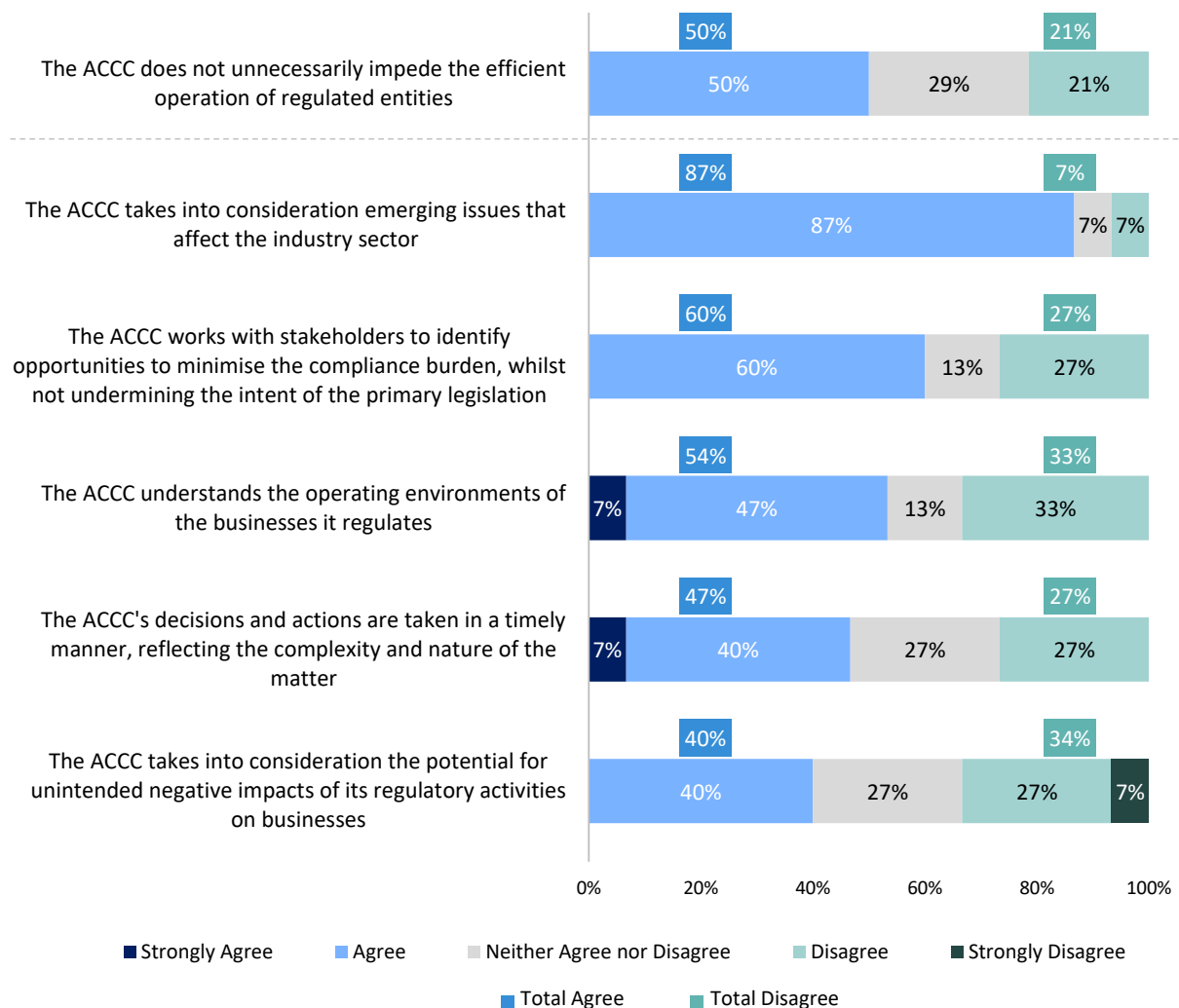
#### ***Regulators do not unnecessarily impede the efficient operation of regulated entities (KPI 1)***

Half (50%) of Merger and Authorisation Review respondents agreed that the ACCC does not unnecessarily impede the efficient operation of regulated entities while one fifth (21%) disagreed.

The large majority provided positive ratings for ACCC taking into consideration emerging issues that affect the industry sector (87%), whereas lower proportions rated the other aspects positively (40%-60% agreed). Respondents were least likely to agree that the ACCC takes into consideration the potential for unintended negative impacts of its regulatory activities on businesses.

**Figure 5: Regulators do not unnecessarily impede the efficient operation of regulated entities (KPI 1)**

(Base: Merger and Authorisation Review respondents, n=14-15)



### Open-ended feedback for KPI 1

n=6 Merger and Authorisation Review respondents provided a comment regarding whether the ACCC unnecessarily impedes the efficient operation of regulated entities.

#### *Opportunities for improvement/ Areas of concern:*

While some respondents had mixed experiences, others expressed concerns about the burden of regulations and their impact on operational efficiency.

*“Several clients have received extremely burdensome s155 notices requiring the identification of that does not otherwise exist within their business, meaning they have to devote significant resources to creating/capturing it - at times, without clarity of how useful it will be for the ACCC in making the assessments that the ACCC needs to make.”*

*“I have never experienced the ACCC working actively with a company to try to reduce regulatory burden. Rather, I have experienced the ACCC taking a very jaundiced view of any pushback on the extent of their requirements or requests. It seems to entirely ignore the massive imposition and expense that some of its monitoring activities create.”*

*“This is a finely balanced question - there are many instances where in a specific circumstance I would say 'strongly agree'. However, in others I have observed ACCC teams placing little weight on business compliance costs / burden - and making this apparent in their feedback / comments.”*

*“It is very important the ACCC Mergers' branch has sufficient resources to carry out its functions in a timely manner. The value of time in the context of a competitive transaction environment, severe financial hardship or a significant change in consumer behaviour is very high to a business which requires the ACCC's approval.”*

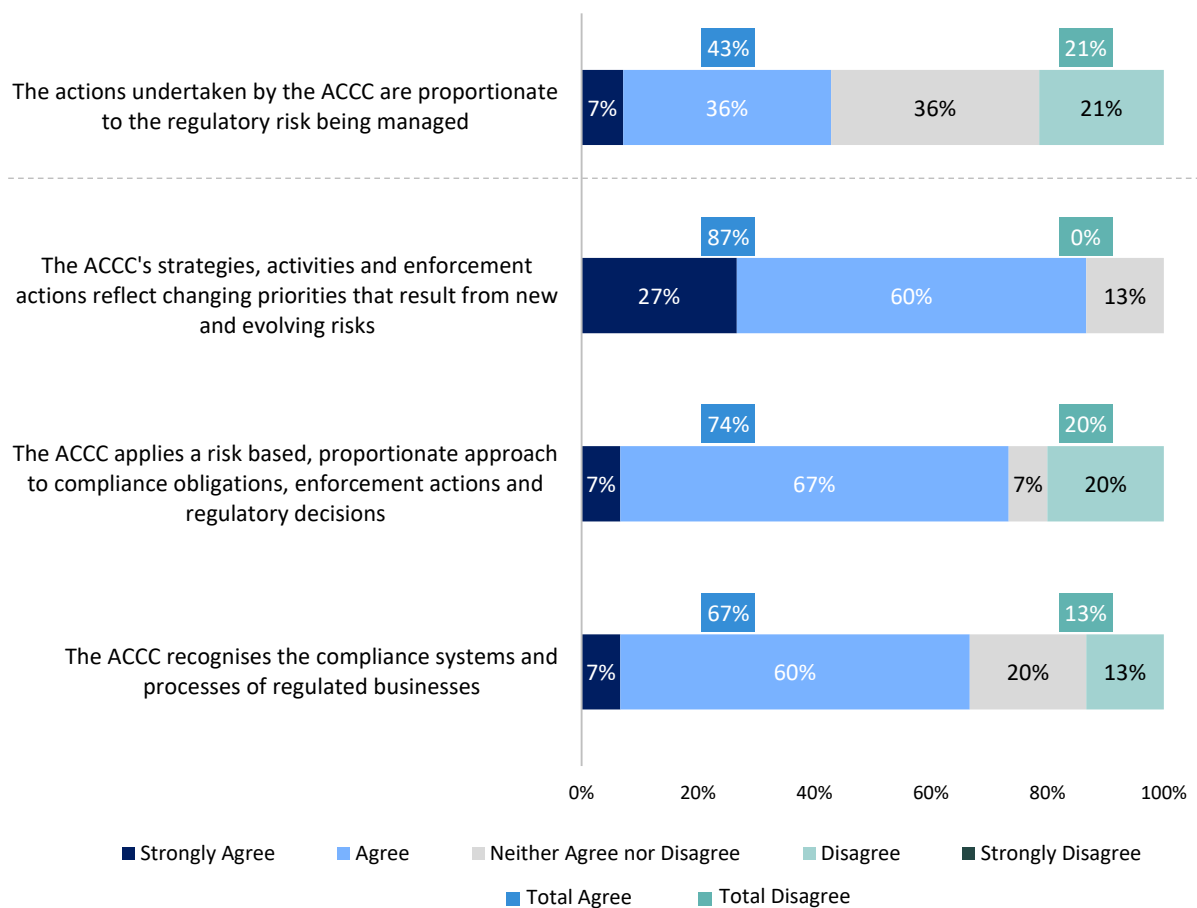
### ***Actions undertaken by regulators are proportionate to the regulatory risk being managed (KPI 3)***

Overall, around four in ten (43%) respondents agreed that the actions undertaken by the ACCC are proportionate to the regulatory risk being managed, while one fifth (21%) disagreed.

However, all supporting statements received higher ratings compared to the overall KPI (67%-87% agreed). Results were particularly strong in terms of the ACCC’s strategies, activities and enforcement actions reflecting changing priorities. These results suggest that many stakeholders were not in a position to provide the overall assessment requested in the overall KPI question (e.g. lacked sufficient knowledge of the regulatory risk) and hence opted to provide the neutral (neither agree nor disagree response).

**Figure 6: Actions undertaken by regulators are proportionate to the regulatory risk being managed (KPI 3)**

(Base: Merger and Authorisation Review respondents, n=14-15)





### **Open-ended feedback for KPI 3**

In total, n=3 Merger and Authorisation Review respondents left an open-ended comment regarding whether actions undertaken by the ACCC are proportionate to the regulatory risk being managed.

#### *Positive feedback:*

There was one respondent who responded that they felt that the ACCC performed well in this regard.

*“In difficult circumstances, overall the ACCC handle this well.”*

#### *Opportunities for improvement/ Areas of concern:*

*“The nature of the actions required sometime appears to be driven by appeasing stakeholder feedback regardless of its merit rather than proportionately necessary to address the problem at hand.”*

### 3.5 RPG 3: Collaboration and engagement

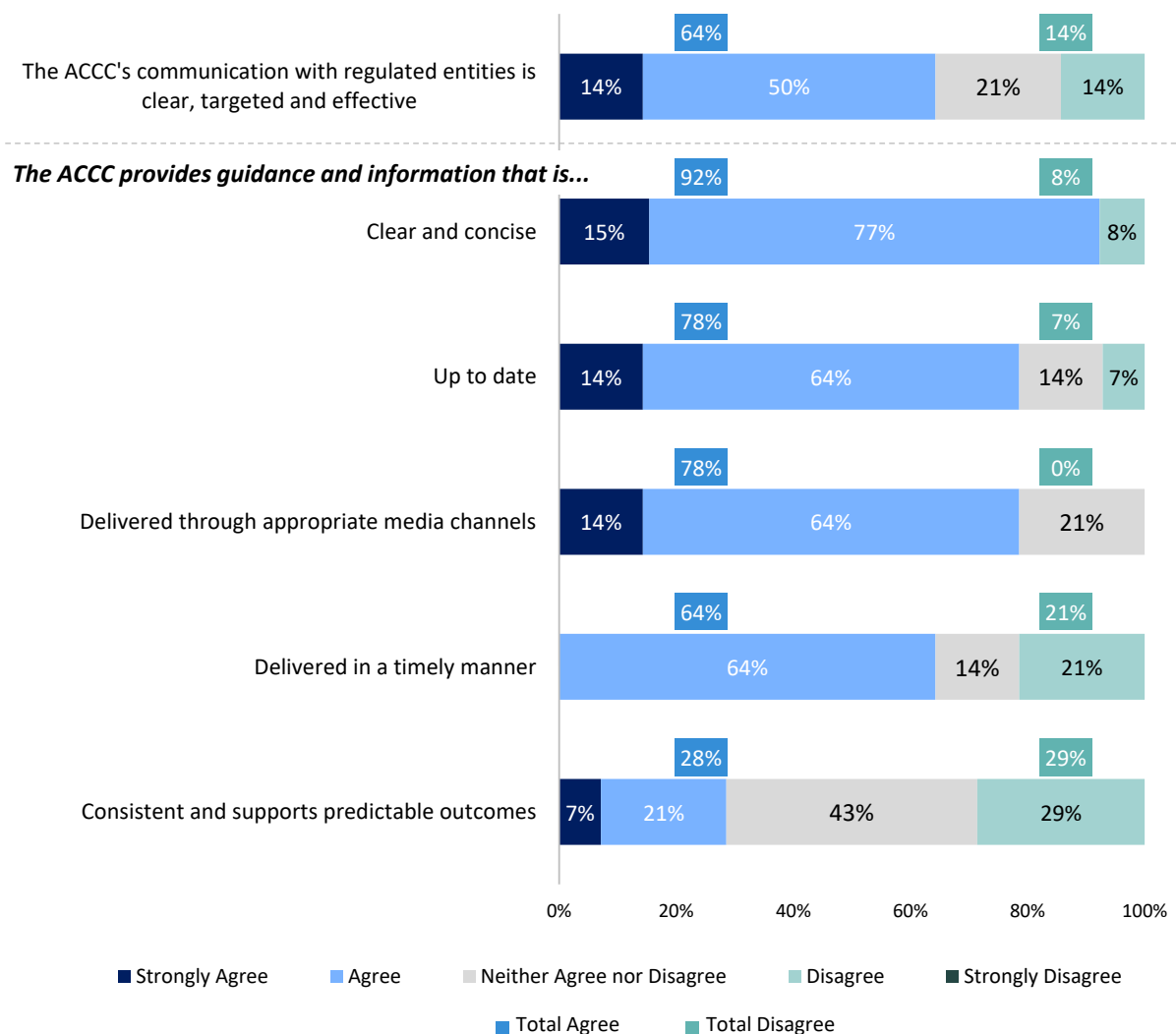
#### ***Communication with regulated entities is clear, targeted and effective (KPI 2)***

64% of respondents agreed that the ACCC’s communication with regulated entities is clear, targeted and effective.

Agreement levels for supporting statements varied considerably (28%-92%). Nearly all respondents agreed that the ACCC provides clear and concise guidance and information (92% agreed), while agreement was lower for consistency and support of predictable outcomes (28% agreed and 29% disagreed).

**Figure 7: Communication with regulated entities is clear, targeted and effective (KPI 2)**

(Base: Merger and Authorisation Review respondents, n=13-14)



## Open-ended feedback for KPI 2

n=7 Merger and Authorisation Review respondents provided open-ended feedback regarding the ACCC's communication with regulated entities.

### *Positive feedback:*

The majority of respondents expressed positive sentiments about the effectiveness of the ACCC's communications.

*"The ACCC's guidance generally allows informed decisions to be made as to the level of regulatory risk associated with business activities."*

*"The ACCC uses a range of communications effectively. These include the Annual Priorities, press releases, speeches and Authorisation Decisions and Public Competition Assessments."*

*"The ACCC is a professional communicator."*

### *Opportunities for improvement/ Areas of concern:*

Suggestions for improvement focused on improving the clarity and practicality of ACCC's communications.

*"At the moment, the ACCC is shifting the way in which it approaches merger filings. It has not provided clear additional guidance on its expectations, or provided clarity on the way in which it intends to approach filings (including the timing of its reviews). Its approach is present somewhat opaque and it would be helpful if it did provide clear guidelines."*

*"Certain changes in process post SOI stage for informal merger clearance (such as regular use of statutory notices) should probably be more clearly communicated as it reflects a change to historical process."*

*"Some guidance is at too high a level of principle - not practicality."*

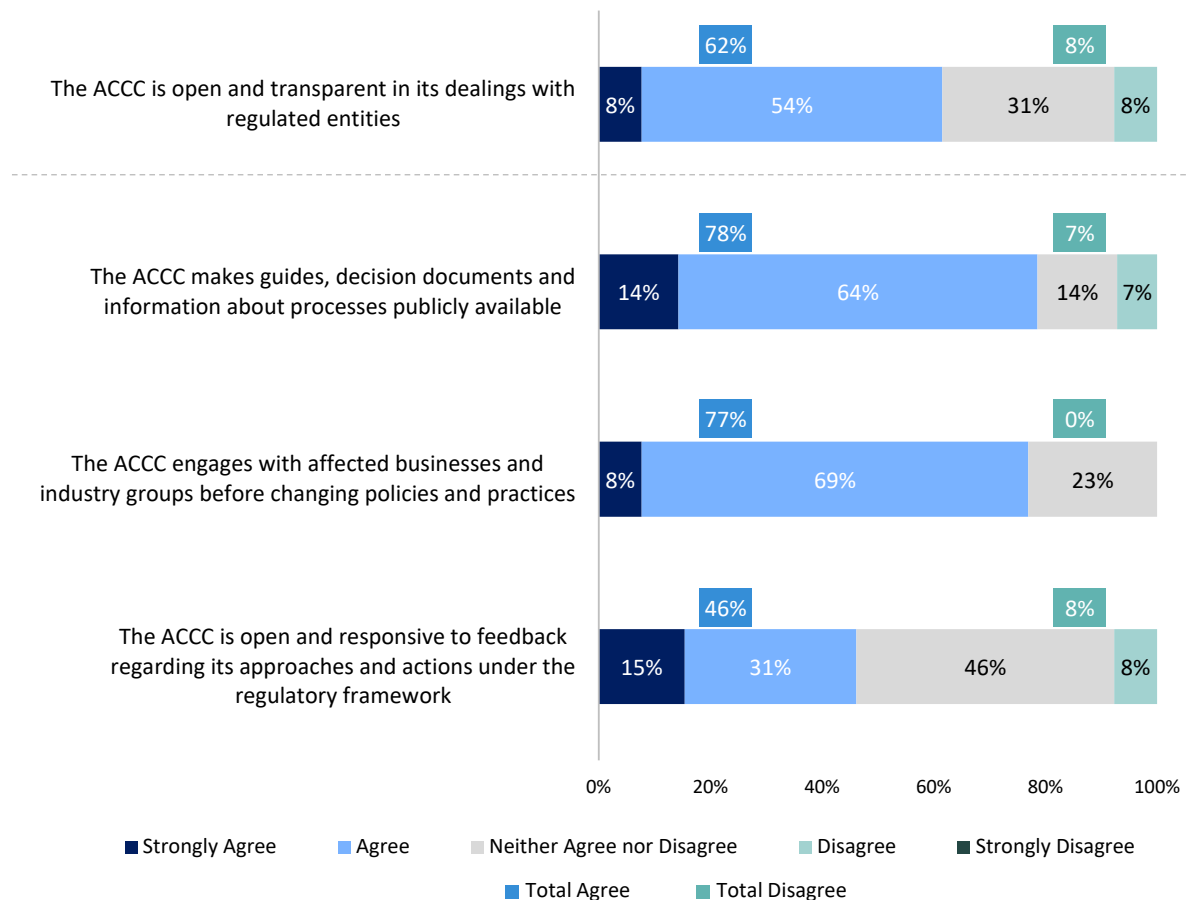
## Regulators are open and transparent in their dealings with regulated entities (KPI 5)

62% of respondents agreed that the ACCC is open and transparent in its dealings with regulated entities.

For the supporting statements, the large majority provided positive ratings for the ACCC making guides, decision documents and information about processes publicly available (78%) and engaging with affected businesses and industry groups before changing policies and practices (77%). However, perceptions of ACCC’s openness and responsiveness to feedback were comparatively less positive (46%).

**Figure 8: Regulators are open and transparent in their dealings with regulated entities (KPI 5)**

(Base: Merger and Authorisation Review respondents, n=13-14)



### **Open-ended feedback for KPI 5**

n=5 Mergers and Authorisation Review respondents provided a comment about the ACCC's openness and transparency in dealing with regulated entities.

#### *Opportunities for improvement/ Areas of concern:*

While some acknowledged the ACCC's transparency, a few suggestions for improvement were offered, including enhancing clarity and openness to feedback.

*"Sometimes and by some methods it is transparent and clear (i.e., by publishing guidelines etc). It does not, however, always publish or update guidelines."*

*"The ACCC is transparent in its dealings. Some work could be done on creating a culture in which feedback was welcomed."*

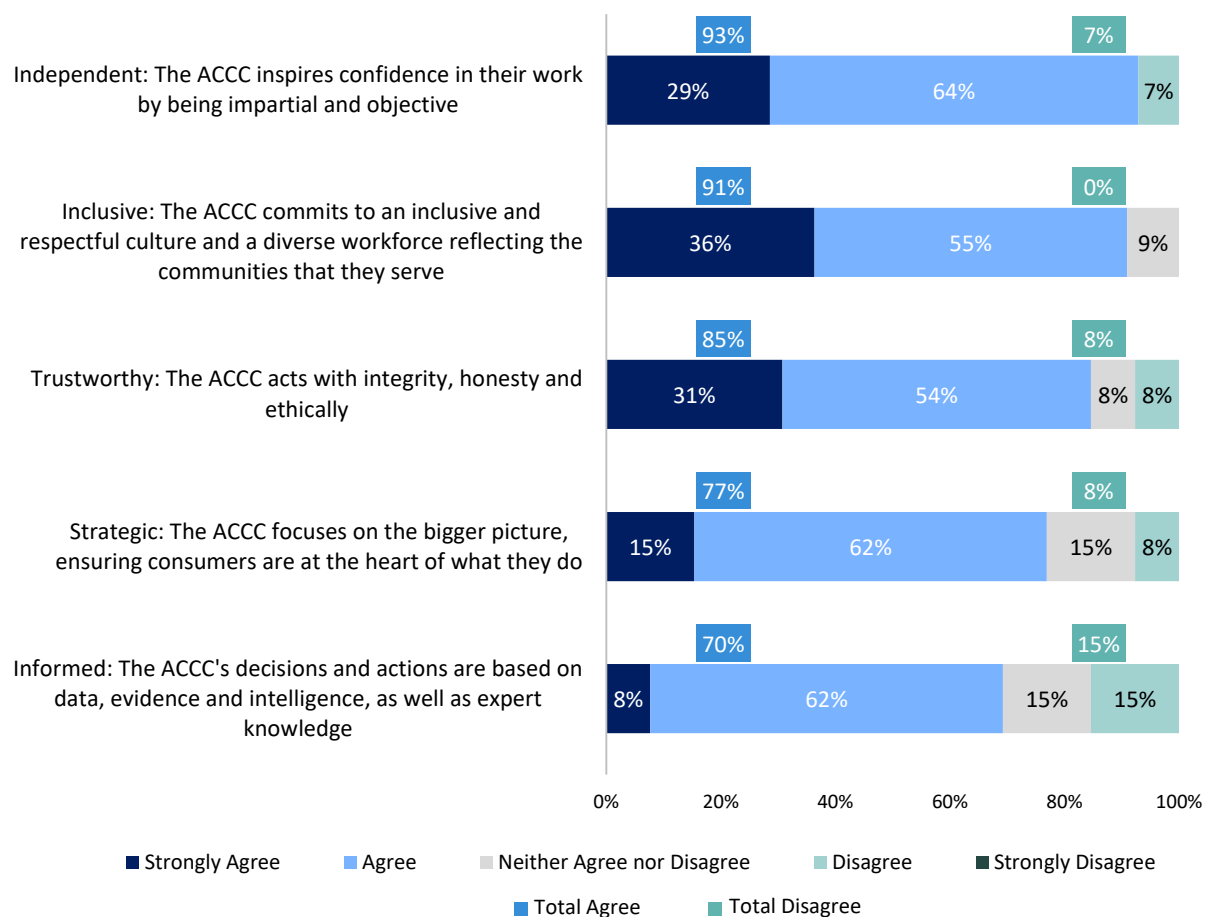
*"The ACCC rarely makes much information available as to merger decisions under the informal process - e.g. mergers it has pre-assessed - and the PCAs it publishes post a refusal to clear a decision/acceptance of undertakings in order to clear a merger is often delayed."*

### 3.6 ACCC values

Merger and Authorisation Review respondents held very positive perceptions of the ACCC's efforts in demonstrating its core values, achieving an overall index score of 75.4ip. Respondents were most positive about the ACCC's independence (93%) and inclusivity (91%), whereas perceptions of the ACCC being informed were rated slightly lower (70%).

**Figure 9: ACCC values**

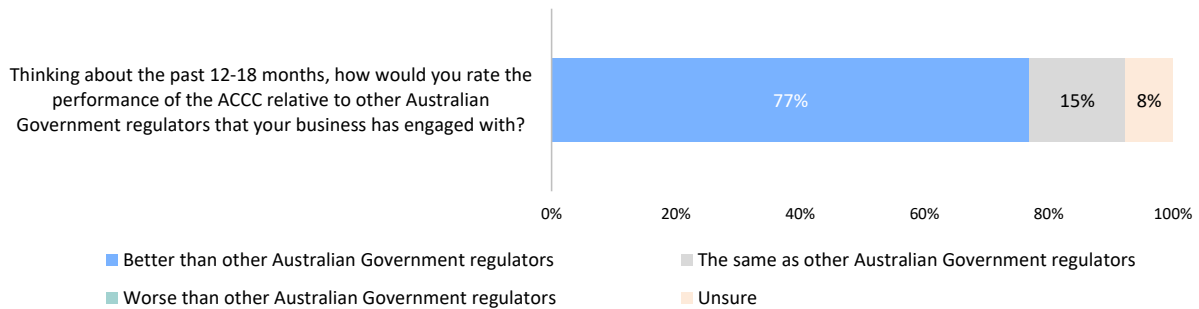
(Base: Merger and Authorisation Review respondents, n=11-14)



### 3.7 Comparison to other regulators

The majority (77%) of Merger and Authorisation Review respondents felt that the ACCC’s performance was better than other Australian Government regulators in meeting the three principles of best practice, while the remainder felt neutral (15%) or unsure (8%).

**Figure 10: Comparison to other regulators**  
 (Base: Merger and Authorisation Review respondents, n=13)



Respondents who felt that the ACCC was better than other Australian Government regulators praised the ACCC for its commitment to high ethical standards, professionalism, strong enforcement record, transparency and consultative approach.

*“Australians should be very proud that we have an independent ACCC that acts to the highest ethical standards. That is critical to maintain business and community confidence in its operation. It is a cut above most other regulators in terms of professionalism. They are also much better litigators than almost any other regulator in Australia.”*

*“The ACCC is consistently best in class among Australian regulators. It has a strong enforcement record, believes in education but is transparent and consultative.”*

*“Had only positive experiences.”*

## 3.8 Feedback on key strengths and suggestions for improvement

Mergers and authorisation review respondents most commonly commented on the ACCC's strengths in its continuous improvement, collaborative engagement, transparency, trust, and effective stakeholder interaction. Suggestions for improvements often related to the need to minimise regulatory burden, enhance transparency and trust and improve communication with businesses.

### Specific aspects of performance that ACCC does well (n=8):

*"Continuous improvement. Collaborative engagement."*

*"I think the ACCC is improving in the way it engages with and is transparent with stakeholders."*

*"Collaboration and engagement."*

*"In the context of authorisations, the ACCC is operating, in my view, at its best. This is because there is a clear process to follow, and a clear and open dialogue with the ACCC. Implementing similar processes (i.e., contact prior to filing, draft filing and comments on the same, appointment of case team etc) in other areas would be helpful."*

*"Very engaged across many levels with the broader stakeholder community. Very participatory which is great."*

*"They are courteous and considerate of the interests of parties."*

*"Continuous improvement and trust."*

*"The ACCC is a well-respected and trusted regulator and operates in a collaborative way."*

### Suggestions for improvement (n=6):

*"Minimising regulatory burden. The ACCC is increasingly requiring information as part of Schedule 1 of its s155 notices that requires significant analysis of documents/information by merger parties - and to capture that information in a form that is not part of that party's BAU activities."*

*"The ACCC is too opaque to build trust well. It can also be one-eyed and have a dismissive view of business and its views, and at times it can be unwilling to listen. These things need to be improved."*

*"The ACCC still does not seem to take into account or appreciate the impost of information requests."*

*"Is there a way to subscribe just to changes to certain public registers?"*

*"Continuing to refine information requests in co-operation with regulated businesses to ensure that they are targeted and that the time and cost burden is not disproportionate."*

*"The ACCC should continue to adopt an approach that takes into account the regulatory burden on companies. This will be a particular issue if it changes the merger clearance processes."*



## 4 Product Safety Findings

### 4.1 About this chapter

This chapter presents the findings for the Product Safety function area of the ACCC. The Product Safety function relates to ensuring Australian consumers are not harmed by unsafe products such as defective items or those containing unsafe chemicals. The ACCC works with domestic and international counterparts on joint surveillance, education and policy initiatives. Overall 32 out of 199 stakeholders responded to the survey, representing an overall response rate of 16%.

### 4.2 Regulator best practice index scores and KPI summary

On average, Product Safety respondents held positive perceptions of the ACCC’s performance against each of the three regulator best practice principles. Ratings were highest for Principle 2: Risk based and data driven, and lowest for Principle 1: Continuous improvement and building trust.

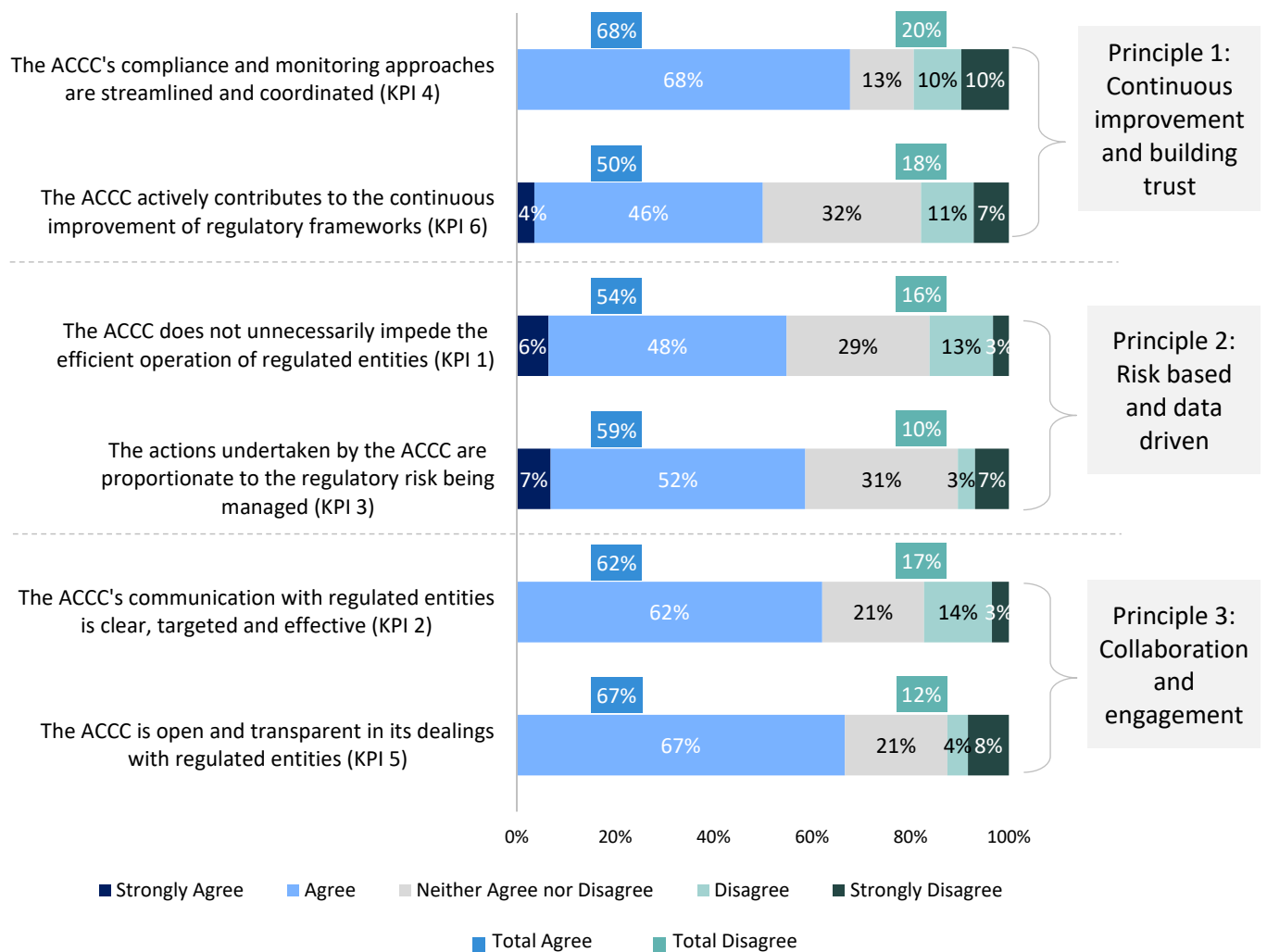
50%-68% of stakeholders agreed with each of the supporting KPI statements (see Figure 11 overleaf).

**Table 10: Achieving regulator best practice index score**

(Base: Product Safety respondents, n=29-32)

Composite index scores across the three principles of regulatory best practice (0-100ip)	
Principle 1: Continuous improvement and building trust	57.8ip
Principle 2: Risk based and data driven	62.1ip
Principle 3: Collaboration and engagement	60.3ip

**Figure 11: KPI summary**  
 (Base: Product Safety respondents, n=24-31)



### 4.3 RPG 1: Continuous improvement and building trust

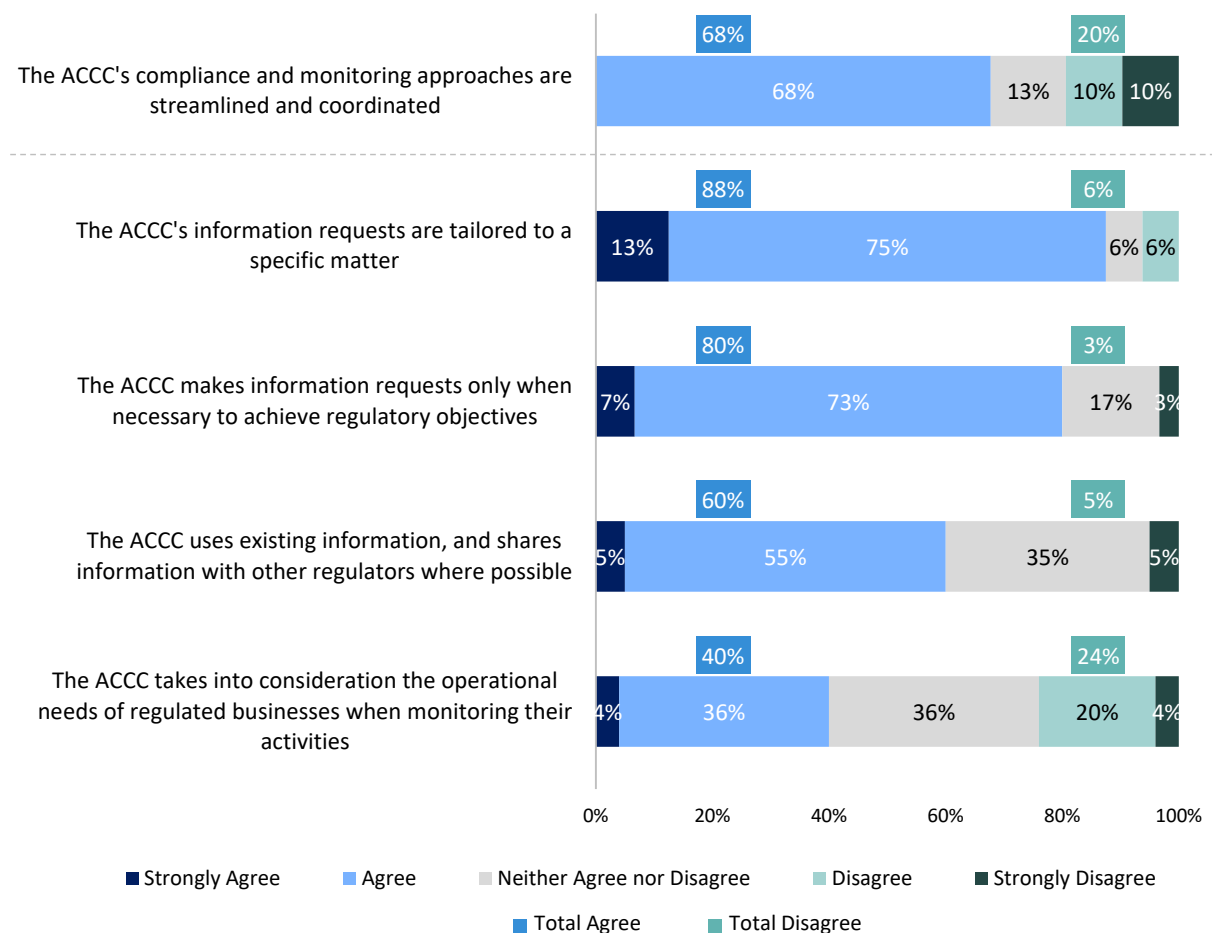
#### ***Compliance and monitoring approaches are streamlined and coordinated (KPI 4)***

Just over two thirds of Product Safety respondents (68%) agreed the ACCC’s compliance and monitoring approaches are streamlined and coordinated while one fifth (20%) disagreed.

When rating the supporting statements, respondents were particularly positive about the tailoring of information requests (88% agreed) and the ACCC's focus on making requests only when necessary for regulatory objectives (80%). On the other hand, only four in ten (40%) agreed that the ACCC takes into consideration the operational needs of regulated businesses when monitoring their activities, while nearly a quarter (24%) disagreed.

**Figure 12: Compliance and monitoring approaches are streamlined and coordinated (KPI 4)**

(Base: Product Safety respondents, n=20-31)



#### **Open-ended feedback for KPI 4**

n=20 Product Safety respondents provided a comment regarding the ACCC's compliance and monitoring approaches.

##### *Positive feedback:*

The majority were positive comments praising the clarity and coordination of the ACCC's compliance and monitoring approaches.

*"Ease of communication and actions required are clear and concise."*

*"From communication I have received and recalls I have been involved with are very well coordinated and streamlined."*

*"There is a reasonable amount of consistency between the different departments within the ACCC. It is also noted that new team members appear to have the same approach when managing cases formerly handled by others."*

##### *Opportunities for improvement/ Areas of concern:*

However, some expressed concerns about the timeliness, consultation and coordination involved in their approaches.

*"The ACCC is far too slow in making and applying decision and appear to be pandering to large companies."*

*"Not enough consultation with affected industries to coordinate planned compliance strategies."*

*"I have not seen evidence of a coordinated approach. I believe there is room for improvement in this space."*

*"Because the ACCC don't offer a list of approved test facilities, then when you do the tests at an overseas test facility they don't entirely agree it was completed properly. If you want it done to a specific standard offer a list of accredited facility."*

*"The ACCC's compliance and monitoring appears to focus on major retailers and marketplaces who have signed the Product Safety Pledge. There are significant gaps where other traders appear to not have the same level of regulatory compliance checks."*

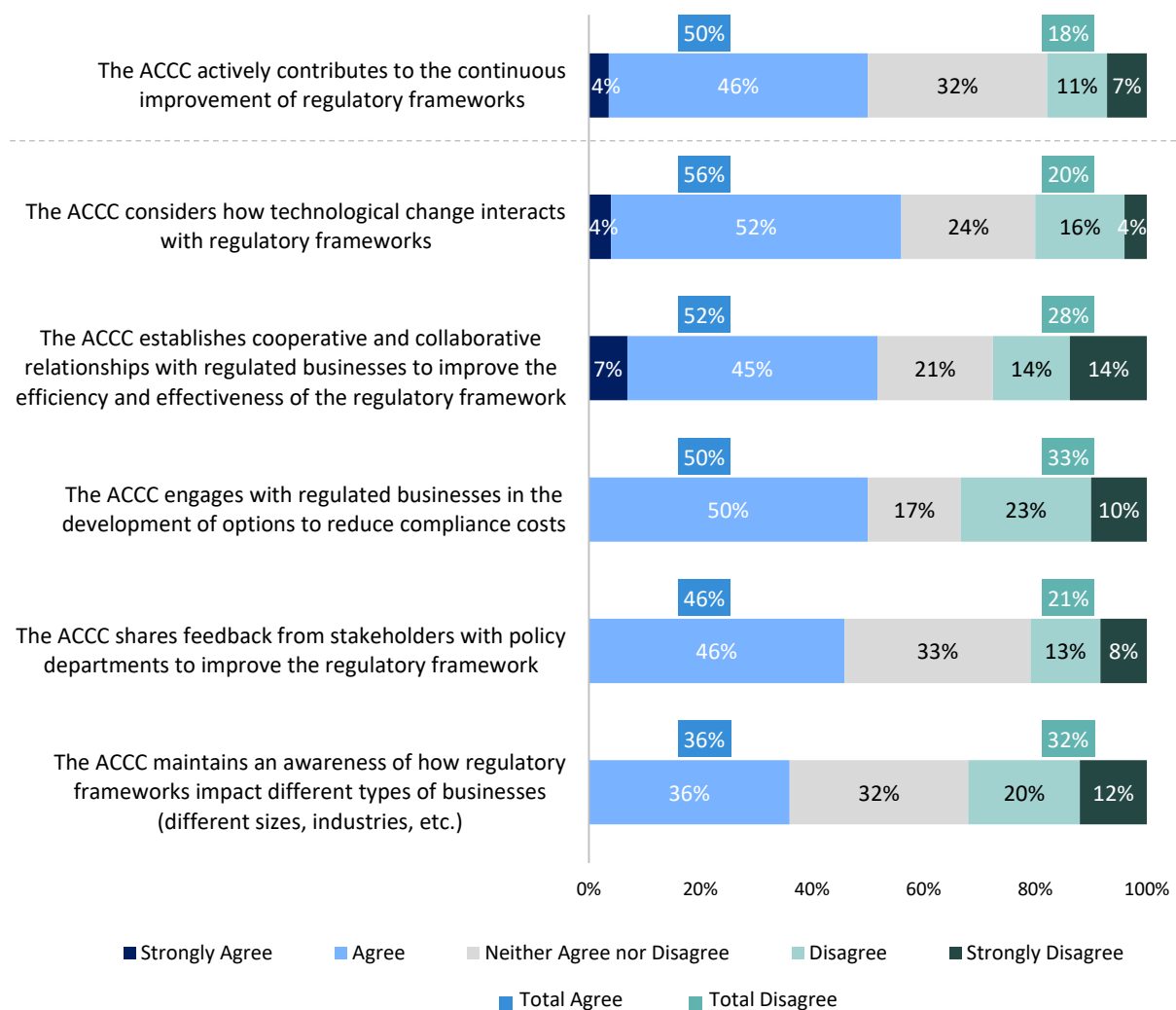
## Regulators actively contribute to the continuous improvement of regulatory frameworks (KPI 6)

Half of Product Safety respondents (50%) felt that the ACCC actively contributes to the continuous improvement of regulatory frameworks, while around one fifth (18%) disagreed.

While ratings for all supporting statements were positive on balance, perceptions were slightly less favourable compared to those observed for other KPIs among Product Safety respondents. Respondents were particularly less likely to agree that the ACCC maintains an awareness of how regulatory frameworks impact different types of business (36% agreed and 32% disagreed). A notable proportion also *disagreed* that the ACCC engages with regulated businesses in the development of options to reduce compliance costs (33% disagreed).

**Figure 13: Regulators actively contribute to the continuous improvement of regulatory frameworks (KPI 6)**

(Base: Product Safety respondents, n=24-30)



## Open-ended feedback for KPI 6

n=18 Product Safety respondents provided a comment regarding whether the ACCC actively contributes to the continuous improvement of regulatory frameworks.

### *Positive feedback:*

Some acknowledged the ACCC's active role in the continuous improvement of regulatory frameworks.

*"I do believe the ACCC actively contributes to compliance improvement to ensure public safety within our community."*

*"The ACCC seeks feedback via consultation, engagement with industry and the ACC PSCC to understand where improvement is needed and how it can be done."*

### *Opportunities for improvement/ Areas of concern:*

However, there was a mixed range of areas of concern expressed by respondents, including the ACCC's timeliness in updating standards, lack of clarity in the consultation framework and need for better consideration of business models.

*"The ACCC consumer product safety and information standards regulates old standards and is seldom up to date with more recent standards, this increases the regulatory burdens on industry."*

*"ACCC Requirements for Prams and Strollers have not kept pace with updates to AS/NZS2088:2013 or AS2088:2022."*

*"There could be more clarity on the consultation framework, to better understand where public, limited or targeted consultation takes place, and what expectations industry can have on timelines for action / outcomes."*

*"There can however be significant differences in business models which should also form part of their consideration. The ACCC does consider technological change in its assessments but these need to be coupled with the understanding of business priorities and resources to make investment and that improvements and adoption are often over a mid to longer term horizon."*

*"Whilst the ACCC is consultative during the review of regulations, they do not engage very well on matters once regulations have landed. To the extent that they often seem disinterested in regular and ongoing engagement with industry stakeholders - even those representing the broader interests/concerns of a group."*

*"Might make improvement but far too slow. National retailers often use the term 'from an Australian company' in reference to is this made in Australia."*

*"Agree, however stakeholder engagement has only become more prevalent of late, with some Standards lacking adequate input from stakeholders to make them more meaningful and readily understood by the end-user."*

## 4.4 RPG 2: Risk based and data driven

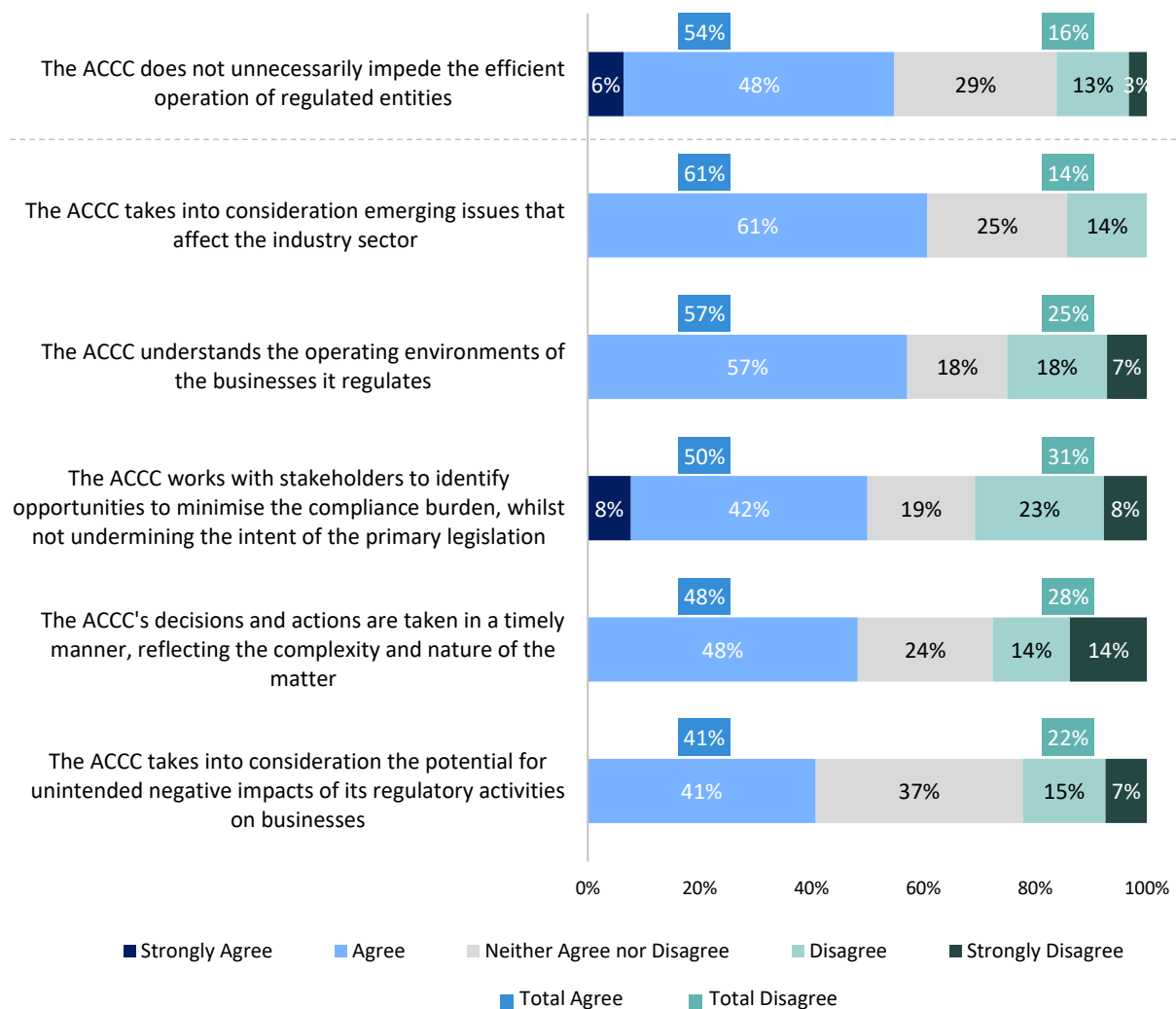
### ***Regulators do not unnecessarily impede the efficient operation of regulated entities (KPI 1)***

Over half (54%) of respondents agreed that the ACCC does not unnecessarily impede the efficient operation of regulated entities, while 16% disagreed.

Agreement levels for the supporting statements ranged from 41%-61%, with respondents being most likely to agree that the ACCC considers emerging issues that affect the industry sector and least likely to agree that it considers the potential for unintended negative impacts of its regulatory activities on businesses. Just over three in ten (31%) *disagreed* that the ACCC works with stakeholders to identify opportunities to minimise the compliance burden, whilst not undermining the intent of primary legislation.

**Figure 14: Regulators do not unnecessarily impede the efficient operation of regulated entities (KPI 1)**

(Base: Product Safety respondents, n=26-31)



### Open-ended feedback for KPI 1

n=14 Product Safety respondents provided a comment regarding whether the ACCC unnecessarily impedes the efficient operation of regulated entities.

#### *Positive feedback:*

Some respondents acknowledged the ACCC's mindfulness of regulatory impact.

*"The ACCC is mindful of the impact of regulatory change on regulated entities."*

*"In my view they do not prevent the efficient operations of regulated entities at all."*

#### *Opportunities for improvement/ Areas of concern:*

A few other comments mentioned specific instances where burdens were created. Suggestions were made to improve the ACCC's understanding of business operations and consider the impacts of new legislation on affected entities.

*"The ACCC regulations are often create additional burdens as they are not up to date with current standards."*

*"There have been situations where a response, requiring exhaustive resources, have been requested by a deadline, yet the response from the ACCC in return has led to a few months of loss of sales while awaiting."*

*"ACCC does not provide sufficient weighting to the impacts of new legislation on affected industry."*

*"From my perspective there is intent by the ACCC not to impede the efficient operation of regulated entities, however understanding of how businesses operate can definitely be improved on. Approaches that may look simple on paper can be complex in reality."*



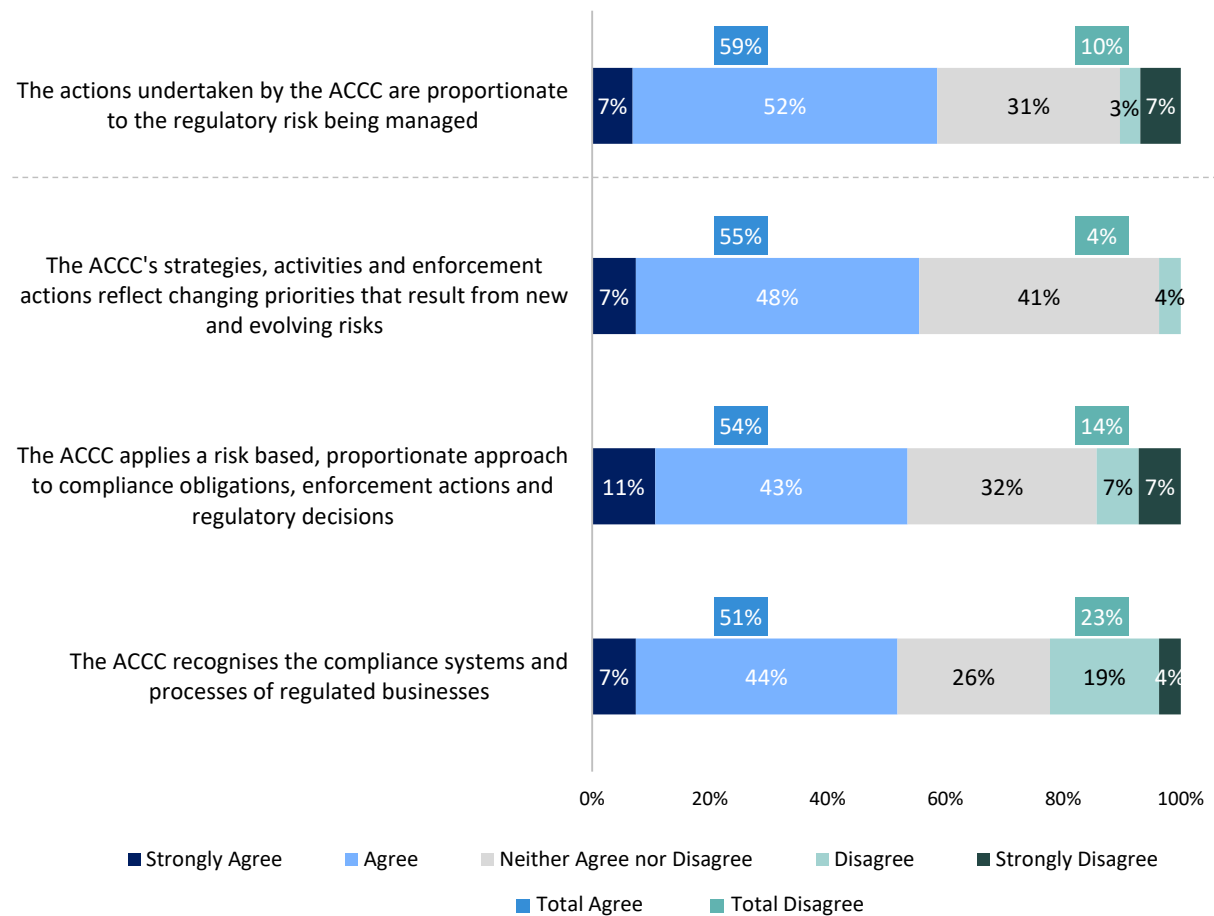
## ***Actions undertaken by regulators are proportionate to the regulatory risk being managed (KPI 3)***

Nearly six in ten (59%) respondents agreed that the actions undertaken by the ACCC are proportionate to the regulatory risk being managed, while only one in ten (10%) disagreed.

Around half (51-55%) of respondents reported positive perceptions of each aspect.

**Figure 15: Actions undertaken by regulators are proportionate to the regulatory risk being managed (KPI 3)**

(Base: Product Safety respondents, n=27-29)



### Open-ended feedback for KPI 3

n=12 Product Safety respondents provided open-ended feedback relating to whether the actions undertaken by the ACCC are proportionate to the regulatory risk being managed.

#### *Opportunities for improvement/ Areas of concern:*

Feedback was often mixed, with some agreeing with the overall statement yet still highlighting various areas of concerns including the ACCC's product focus and compliance priorities.

*"There is a mix. Mostly it seems proportionate, but sometimes the focus is misplaced. By example, for infant's products the regulations have not kept pace with the changes to the Standards. Seems a significant oversight!"*

*"The ACCC is often lagging on emerging trends and often lags behind other international regulators such as the CPSC."*

*"ACCC implemented overly strong requirements on industry regarding new button battery standards that were not proportionate to the risk."*

*"Whilst I agree in general that the ACCC seeks to apply a proportionate approach, this may not be necessarily evidenced in what actually happens. Feedback from industry peer is that there is a focus on major industry players to make an example of non-conformances (including those where no safety risk has been found). However, there are possibly other players (sometimes smaller ones) in the market that still sell unsafe product but are not facing a recall or fine."*

*"Agree, given past experience. However, the approach to requiring a retail business with an identified product issue, which is nationally ranged, to solely manage the product, seems counterintuitive. The supplier, nominally when they are Australian based, should be accountable as the impact of their actions would be wider reaching, rather than managing the issue through a third-party seller."*

## 4.5 RPG 3: Collaboration and engagement

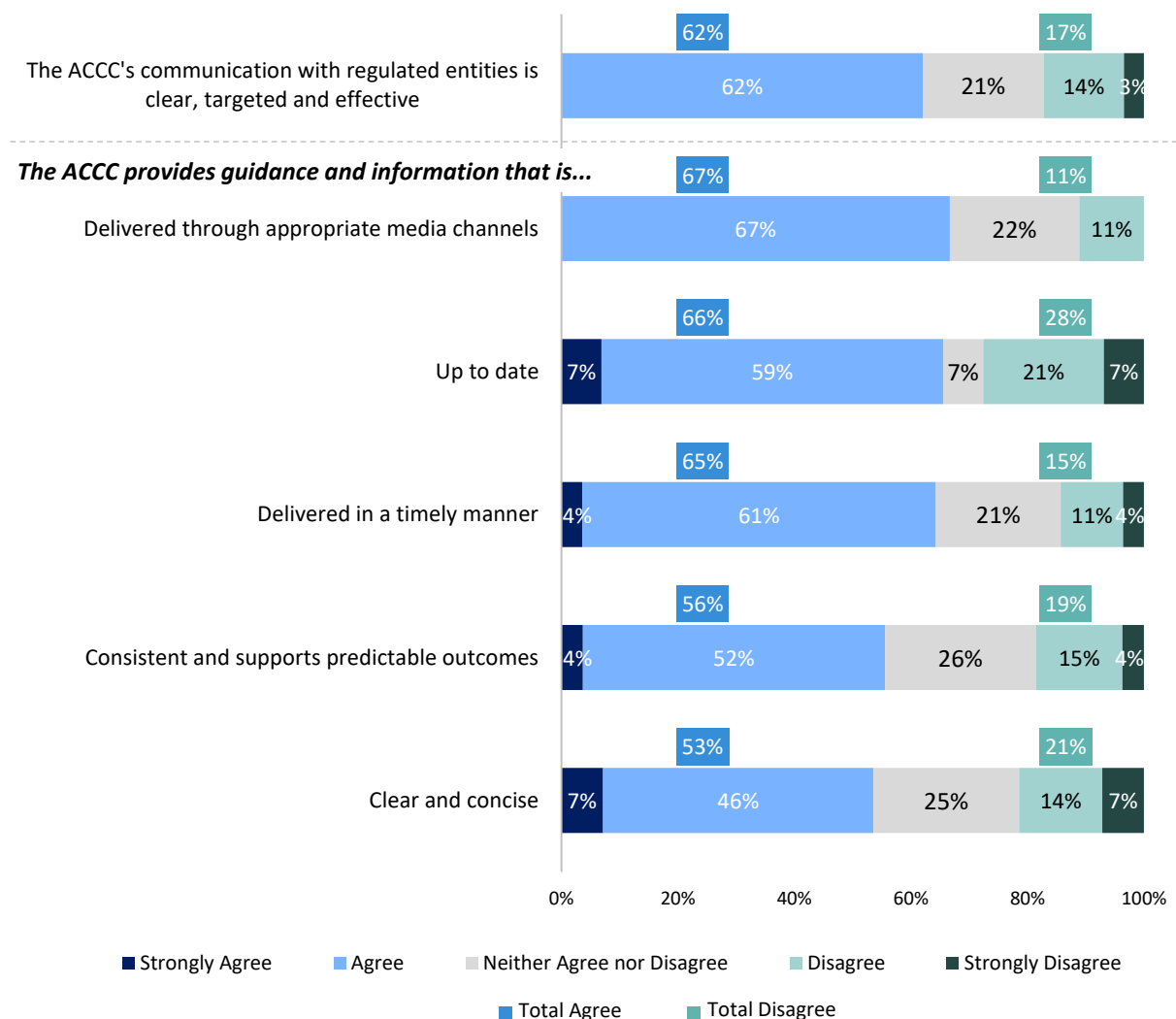
### ***Communication with regulated entities is clear, targeted and effective (KPI 2)***

Over six in ten (62%) respondents agreed that the ACCC's communication with regulated entities is clear, targeted and effective.

Over half of respondents (53%-67%) agreed with all the underlying statements relating to KPI 2, with the least positive perceptions observed in relation to the clarity and conciseness of the ACCC's guidance and information.

**Figure 16: Communication with regulated entities is clear, targeted and effective (KPI 2)**

(Base: Product Safety respondents, n=27-29)



## Open-ended feedback for KPI 2

n=17 Product Safety respondents provided a comment relating to the effectiveness of the ACCC's communication with regulated entities.

### *Positive feedback:*

Some expressed positive views on the ACCC's communication and clarity.

*"I have experienced clear communication via email and telephone."*

*"Any dealings I have had have been very clear, targeted and effective."*

### *Opportunities for improvement/ Areas of concern:*

There were various areas of concern including clarity of guidelines and perceived responsiveness of the ACCC.

*"Not possible to respond to as strongly agree as the ACCC's button battery guidelines are confusing."*

*"The ACCC needs to be more responsive: such as acting immediately to update the product recall information."*

*"Many requirements stipulated in the new button battery standards were not proportionate to the risk."*

*"It would be beneficial for information relating industry to be provided to the associated industry groups."*

*"At times, especially when communication is then to be circulated more widely by the entity (to consumers or users of a service) more concise versions are appreciated."*

*"Industry would appreciate more guidance documents and making key documents also available in multiple languages...all-over guidance documents could be clearer, and examples provided within should match the letter of the law exactly, or reflect on what the ACCC considers best practice. Suppliers take guidance literally, so it should not mislead. For supplier guidance the ACCC PSA website is a good channel. Alerts should be widely published when new / revised document go online."*

*"The ACCC is not able to provide any advice in accordance with compliance issues, or clarify any information mentioned on the ACCC website."*

*"The ACCC rarely engages with industry stakeholders and associations in consumer product safety fields."*

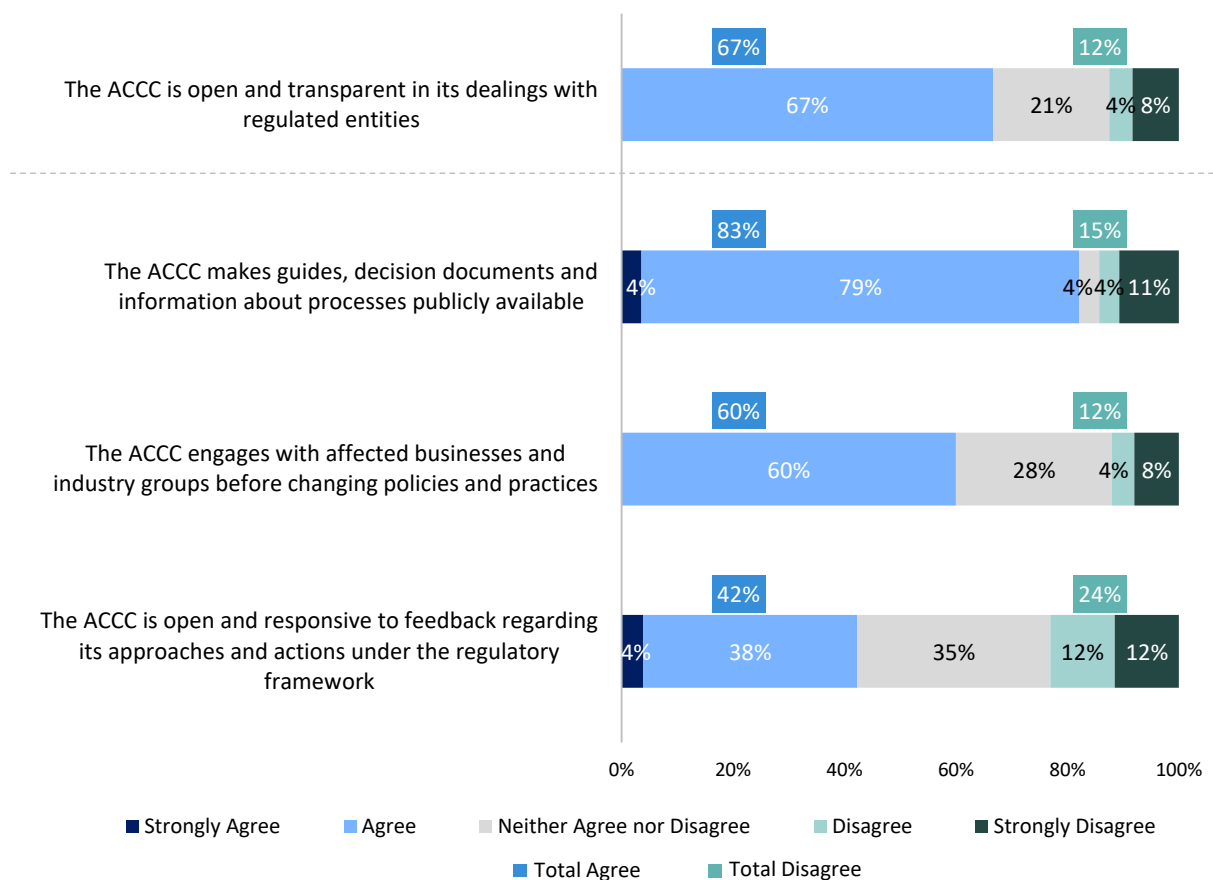
## Regulators are open and transparent in their dealings with regulated entities (KPI 5)

Two thirds (67%) agreed that the ACCC is open and transparent in its dealings with regulated entities.

Ratings for supporting statements varied considerably with the vast majority (83%) agreeing that the ACCC makes guides, decision documents and information about processes publicly available, and less than half (42%) feeling that the ACCC is open and responsive to feedback regarding its approaches and actions under the regulatory framework.

**Figure 17: Regulators are open and transparent in their dealings with regulated entities (KPI 5)**

(Base: Product Safety respondents, n=24-28)



### Open-ended feedback for KPI 5

n=14 Product Safety respondents provided a comment regarding ACCC's openness and transparency in dealing with regulated entities.

#### *Opportunities for improvement/ Areas of concern:*

Some respondents noted having limited knowledge or no personal involvement, while others expressed some areas of concern surrounding the lack of clarity in information and challenges in engaging with the ACCC.

*"Whilst making documents public, it is the industry that must uphold the regulations that it is more important to ensure proper engagement and that there is no ambiguity in what must take place. It is also a case up the ACCC upholding regulations and not recommendations. There is sometimes a blur between the two, with businesses being penalized for non-mandated recommendations."*

*"The ACCC is open ... but they seem to 'consult widely with industry' then either ignore the representations made by industry &/or fail to re-engage with feedback for the exclusion (or otherwise) of points made in submissions. Gives the impression that the ACCC has already made up their mind and that the request for submissions is a tick-box approach rather than them genuinely seeking constructive feedback."*

*"Issue papers left to be discovered rather than presented to key stakeholders / industry groups."*

*"The engagement with affected industry groups have definitely been good. It is not always clear, if the feedback that was provided was considered, and if not implemented, why that was not the case. It may just be a matter of the complexity of communicating outcomes."*

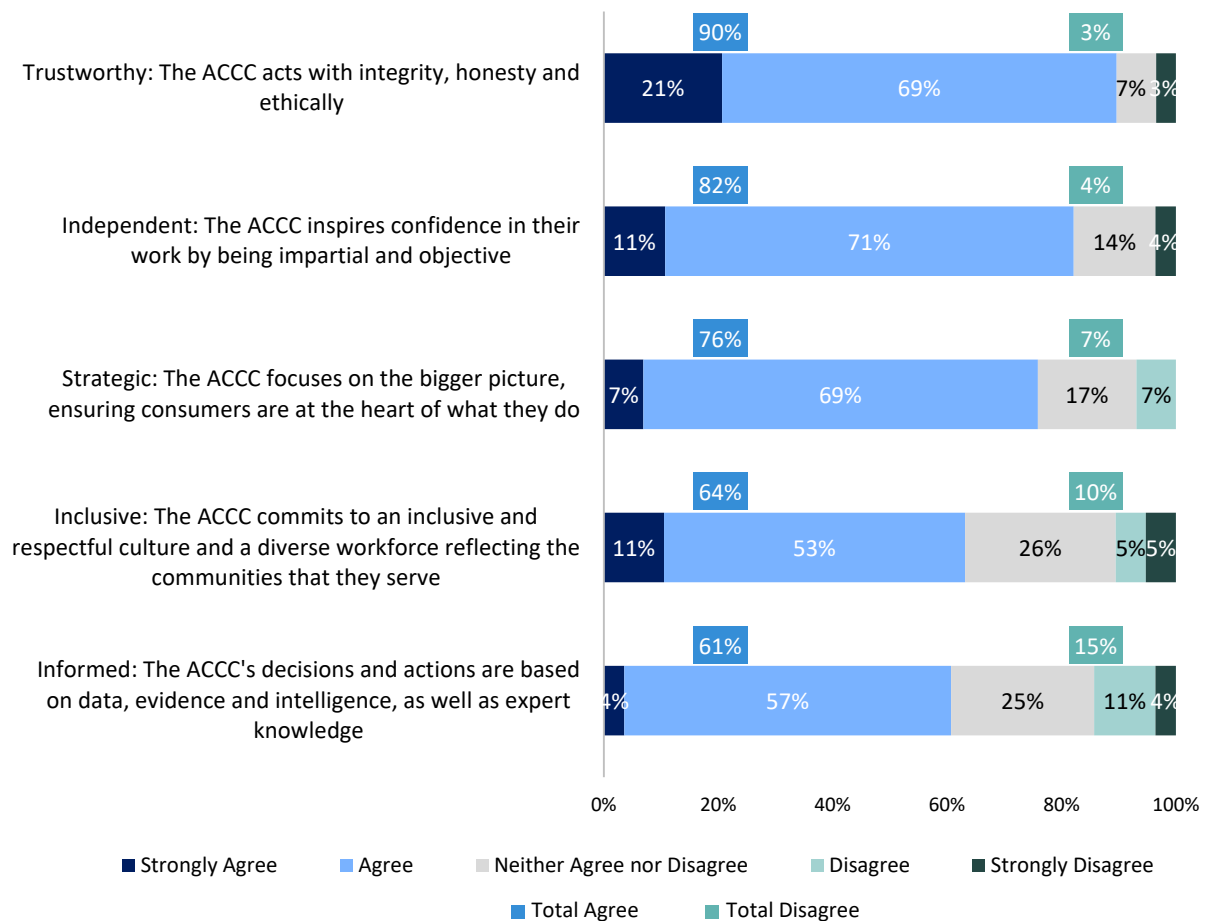
*"information is hard to find and when asked they just say it's in schedule 1. Then don't offer any clear information. It's like they want you to be confused so you make errors."*

## 4.6 ACCC values

Respondents in Product Safety held favourable perceptions regarding the ACCC upholding its core values, achieving an overall index score of 68.7ip. The highest levels of agreement were observed in relation to the ACCC’s trustworthiness (90%), whereas perceptions of the ACCC being ‘informed’ were less positive (61%).

**Figure 18: ACCC values**

(Base: Product Safety respondents, n=19-29)

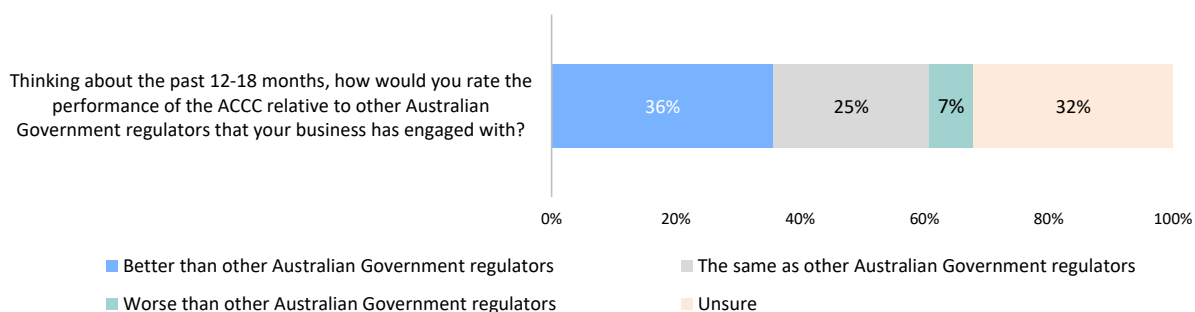


## 4.7 Comparison to other regulators

Just over a third (36%) felt that the ACCC’s performance was better than that of other Australian Government regulators in meeting the three principles of regulator practice and only 7% felt that the ACCC was worse. The remaining respondents perceived the ACCC and other regulators to be the same (25%), or were unsure of any differences (32%).

**Figure 19: Comparison to other regulators**

(Base: Product Safety respondents, n=28)



Those who felt that ACCC was better than other Australian government regulators praised ACCC for their level of communication and collaboration.

*“The level of collaboration has increased exponentially. It is clear that the ACCC has the consumer’s best interests at heart. The ACCC mostly considers the business that they are dealing with. There is a level of flexibility in mind when dealing with business. Some team members are more approachable than others, when managing issues. On the whole, I believe that the ACCC acts with integrity, honesty and with good ethical standards.”*

*“Communication is easier. Website can be navigated clearly.”*

*“At least I got replies from the ACCC when some government entities can’t even reply for months.”*

One respondent that felt that the ACCC was worse commented:

*“The ACCC tends to see industry stakeholders as that group that needs to be hit with a big stick and will not engage with them.”*



## 4.8 Feedback on key strengths and suggestions for improvement

Product Safety respondents praised the ACCC for clear communication, responsiveness, and quick responses to safety issues, among other strengths. Various suggestions for improvement were given, including addressing businesses not meeting regulatory standards, enhancing engagement, providing specific information when requested and keeping regulations up to date with updated standards.

### Specific aspects of performance that ACCC does well (n=12):

*“Collaboration and engagement: in my experience through projects concerning product safety and knowledge obtained from media reports, these aspects have been clearly explained and succinct.”*

*“Clear communication; follow standard templates; open to business feedback (with the occasional exception); responsive.”*

*“Quick responses to specific safety issues as they emerge in the market. Explanations of mandatory standards and bans on the ACCC website is helpful and easy to access.”*

*“ACCC responds to community incidents - risk based and data driven.”*

*“Responding to reported injuries.”*

*“They have always been non-threatening. The staff are usually helpful and respectful of the time restraints and limitations that we have.”*

*“The ACCC has been doing its role sensible and responsibly.”*

*“Continuous improvement and building trust. ACCC consistently looks towards opportunities to improve its processes and is a trusted regulator to work with.”*

### Suggestions for improvement (n=15):

*“Addressing issues with businesses that are not meeting mandatory standards, rather than safety recommendations by other bodies.”*

*“True engagement. Regular engagement (not just at time of revisiting or updating regulations).”*

*“Use a more common sense approach when considering changes to safety standards. Australia does not need to become any more of a 'nanny-state'.”*

*“Offering industry / topic specific training content especially on new or emerging issues.”*

*“We appreciate the collaboration and engagement with the ACCC. Potentially however engagement should be more targeted to the specific areas in which we operate.”*

*“Provide the specific information when asked, not just say it's in there.”*

*“Need their regulations to keep pace with updated standards.”*

*“The ACCC should actively engage with industry associations and participate in product safety related forums with a view of providing input and taking on board information that is shared by stakeholders.”*

*“Lack of technical experts with ACCC limits their ability to engage with industry and standards groups to improve/modernize the regulatory framework for many product types.”*

*“ACCC should do their own research and not state other organisations research as a reason to say a product is unsafe.”*

## 5 Small Business Findings

### 5.1 About this chapter

This chapter presents the findings for the Small Business function area of the ACCC. The Small Business function relates to informing businesses of their rights and obligations under the Competition and Consumer Act 2010, including the Australian Consumer Law, through engagement, education and the provision of specialised information.

Overall 4 out of 42 stakeholders responded to the survey, representing an overall response rate of 10%. Please interpret the results for this function area with caution due to small sample sizes.

### 5.2 Regulator best practice index scores and KPI summary

Small Business respondents achieved very favourable index scores for all three principles of regulator best practice, although please note the low base sizes for this function area when interpreting the results in this section (n=3-4).

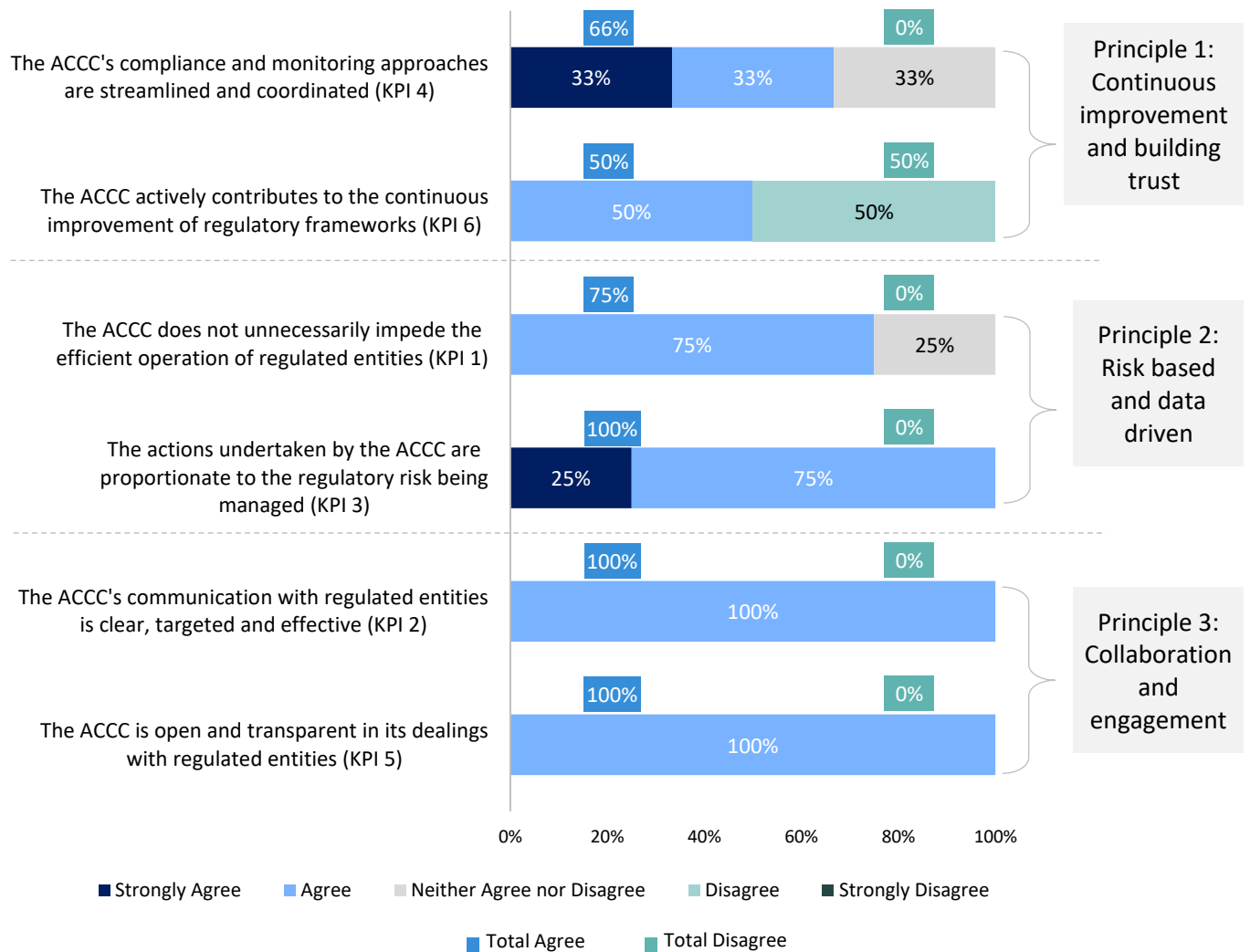
50%-100% stakeholders agreed with each of the KPI statements (see Figure 20 below).

**Table 11: Achieving regulator best practice index score**

(Base: Small Business respondents, n=3-4)

Composite index scores across the three principles of regulatory best practice (0-100ip)	
Principle 1: Continuous improvement and building trust	70.8ip
Principle 2: Risk based and data driven	75.0ip
Principle 3: Collaboration and engagement	75.0ip

**Figure 20: KPI summary**  
 (Base: Small Business respondents, n=2-4)



## 5.3 RPG 1: Continuous improvement and building trust

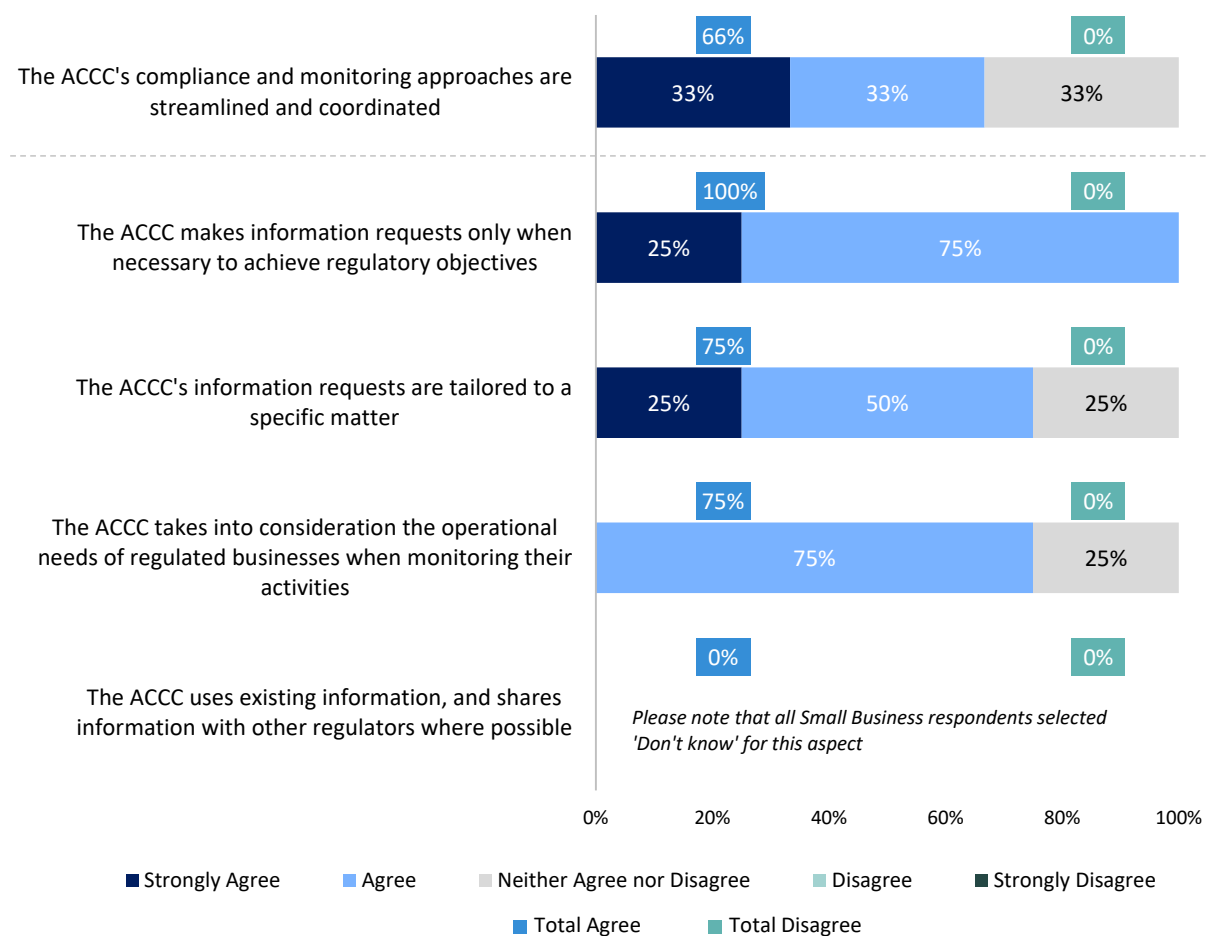
### ***Compliance and monitoring approaches are streamlined and coordinated (KPI 4)***

Around two thirds (66%) of respondents felt that the ACCC’s compliance and monitoring approaches are streamlined and coordinated.

Small Business respondents also largely agreed with supporting statements, with only one respondent holding a neutral view of the ACCC tailoring their information requests and taking into consideration the operational needs of regulated businesses.

**Figure 21: Compliance and monitoring approaches are streamlined and coordinated (KPI 4)**

(Base: Small Business respondents, n=3-4)



#### **Open-ended feedback for KPI 4**

n=4 Small Business respondents provided a comment regarding the ACCC’s compliance and monitoring approaches. Two indicated being unsure about the ACCC’s approach and two provided positive comments.

#### *Positive feedback:*

*“In my experience the ACCC is an efficient and effective regulator.”*

*“They are very specific in their requirements.”*

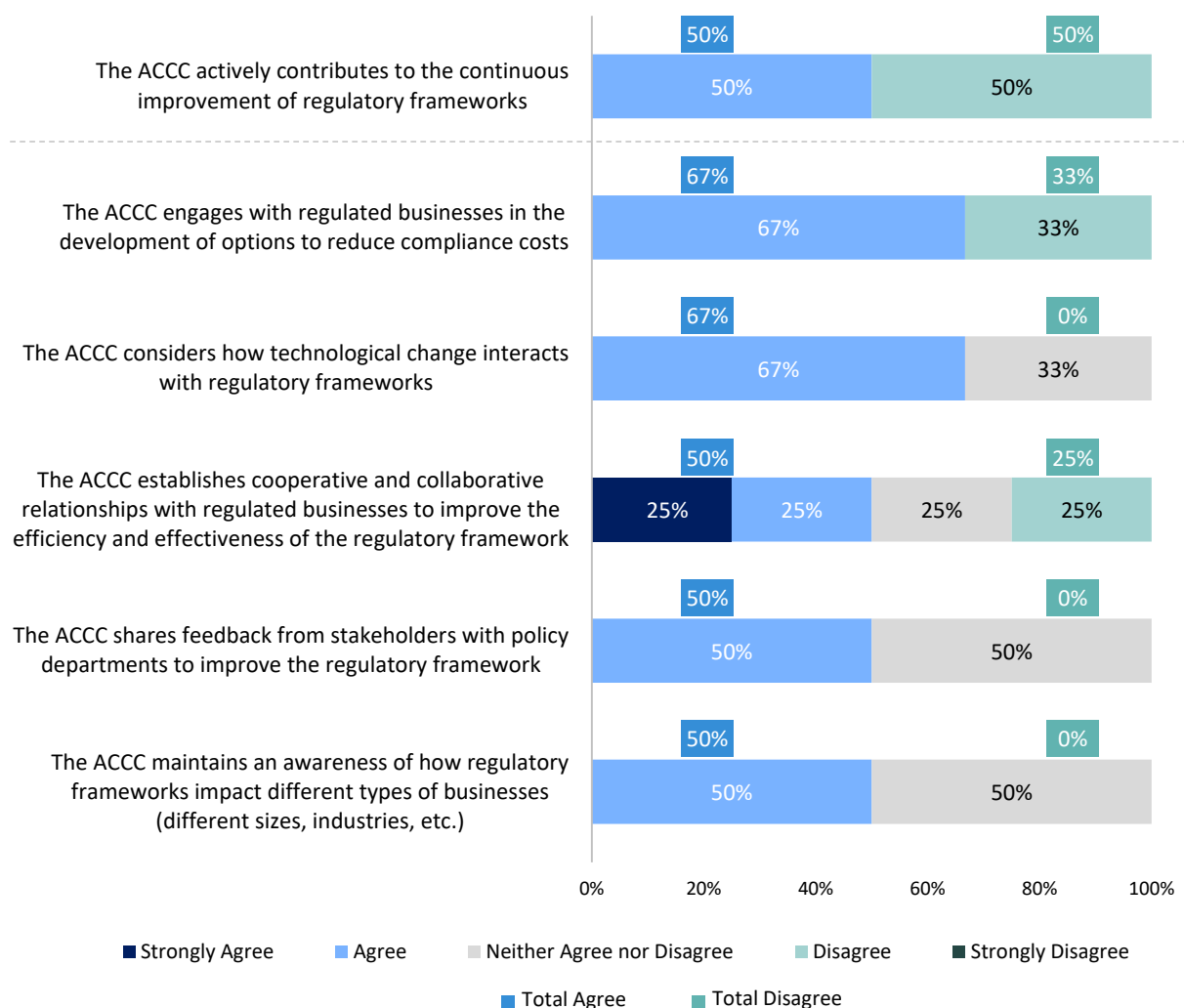
## Regulators actively contribute to the continuous improvement of regulatory frameworks (KPI 6)

One Small Business respondent agreed that the ACCC actively contributes to the continuous improvement of regulatory frameworks, while one disagreed (note n=2 respondents selected ‘Don’t know’ for this KPI).

Respondents generally either provided positive or neutral responses for the supporting statements of KPI 6. However, one respondent disagreed that the ACCC engages with regulated businesses to reduce compliance costs and establishes cooperative relationships with regulated businesses to improve the efficiency of the regulatory framework.

**Figure 22: Regulators actively contribute to the continuous improvement of regulatory frameworks (KPI 6)**

(Base: Small Business respondents, n=2-4)



### **Open-ended feedback for KPI 6**

n=2 Small Business respondents provided a comment regarding ACCC's contribution to the continuous improvement of regulatory frameworks.

#### *Positive feedback:*

*"We believe that the ACCC's intentions are to provide businesses with fair trading practices."*

#### *Opportunities for improvement/ Areas of concern:*

*"I think the ACCC is self-focused, and usually does not collaborate with others. It does its own thing, albeit often quite effectively. Its consultative processes are more about look than substance, particularly in the context of consultative committees. The ACCC also does not really think about the impact of penalties on small businesses, and sometimes has lobbied for increased penalties to deflect criticism for failure to take broader enforcement action."*

## 5.4 RPG 2: Risk based and data driven

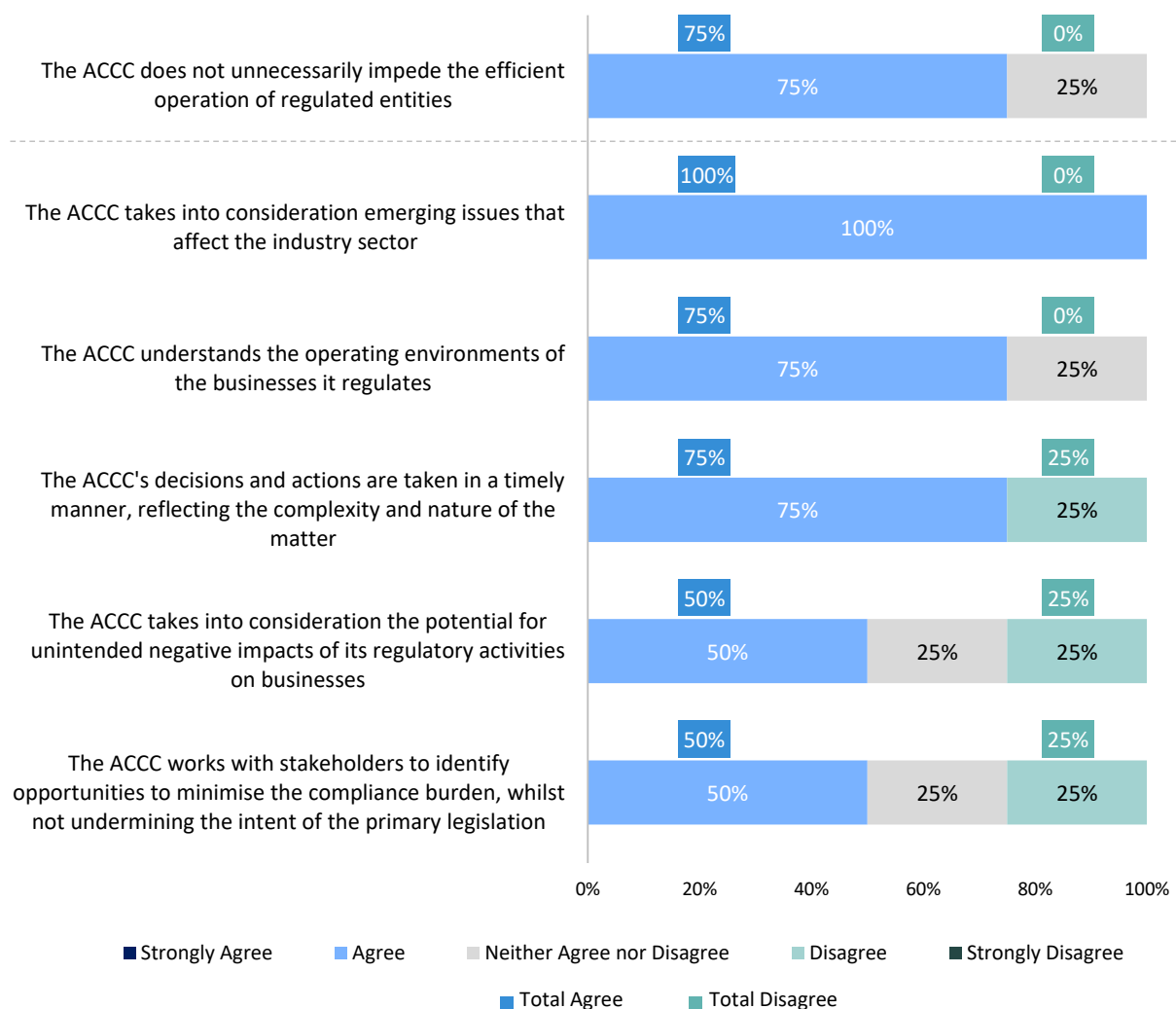
### ***Regulators do not unnecessarily impede the efficient operation of regulated entities (KPI 1)***

Three out of four (75%) Small Business respondents agreed that the ACCC does not unnecessarily impede the efficient operation of regulated entities, while one respondent neither agreed nor disagreed.

Agreement was generally high across underlying statements, particularly for ACCC’s consideration of emerging issues that affect the industry sector (100% agreed). However only 50% (n=2) of respondents agreed that the ACCC considers potential negative impacts on businesses and collaborates with stakeholders to minimise compliance burdens without undermining primary legislations. One respondent disagreed with these statements.

**Figure 23: Regulators do not unnecessarily impede the efficient operation of regulated entities (KPI 1)**

(Base: Small Business respondents, n=3-4)



**Open-ended feedback for KPI 1**

n=2 Small Business respondents provided a comment regarding whether the ACCC impedes the efficient operation of regulated entities.

*Positive feedback:*

*“To our knowledge we have not heard of the ACCC impeding of the efficient operation of regulated entities unnecessarily.”*

*Opportunities for improvement/ Areas of concern:*

*“There are good examples, but also others where the impact on smaller businesses has clearly not been considered.”*



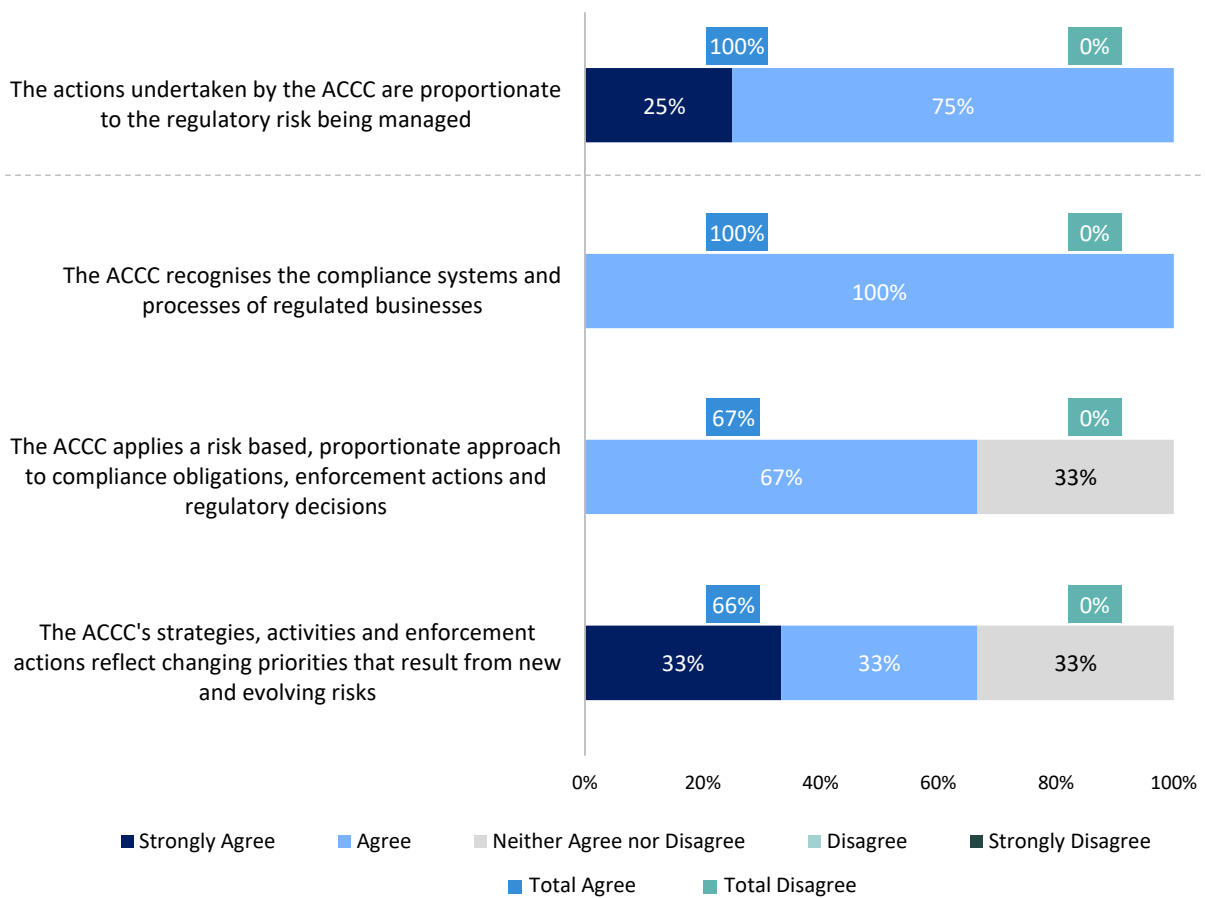
### ***Actions undertaken by regulators are proportionate to the regulatory risk being managed (KPI 3)***

All respondents agreed that the actions undertaken by the ACCC are proportionate to the regulatory risk being managed, including one respondent who strongly agreed.

Perceptions of underlying statements were also positive with only one respondent providing a neutral response regarding the ACCC's risk-based approach to compliance obligations, enforcement actions, and regulatory decisions, as well as the alignment of ACCC's strategies, activities, and enforcement actions with evolving risks.

**Figure 24: Actions undertaken by regulators are proportionate to the regulatory risk being managed (KPI 3)**

(Base: Small Business respondents, n=3-4)



**Open-ended feedback for KPI 3**

n=2 Small Business respondents provided a comment regarding whether the actions undertaken by the ACCC are proportionate to the regulatory risk being managed.

*Positive feedback:*

*“I think this is an area of strength - thoughtful, considered and proportionate enforcement.”*

*“We would expect that the actions undertaken are proportionate to the regulatory risk being managed.”*

## 5.5 RPG 3: Collaboration and engagement

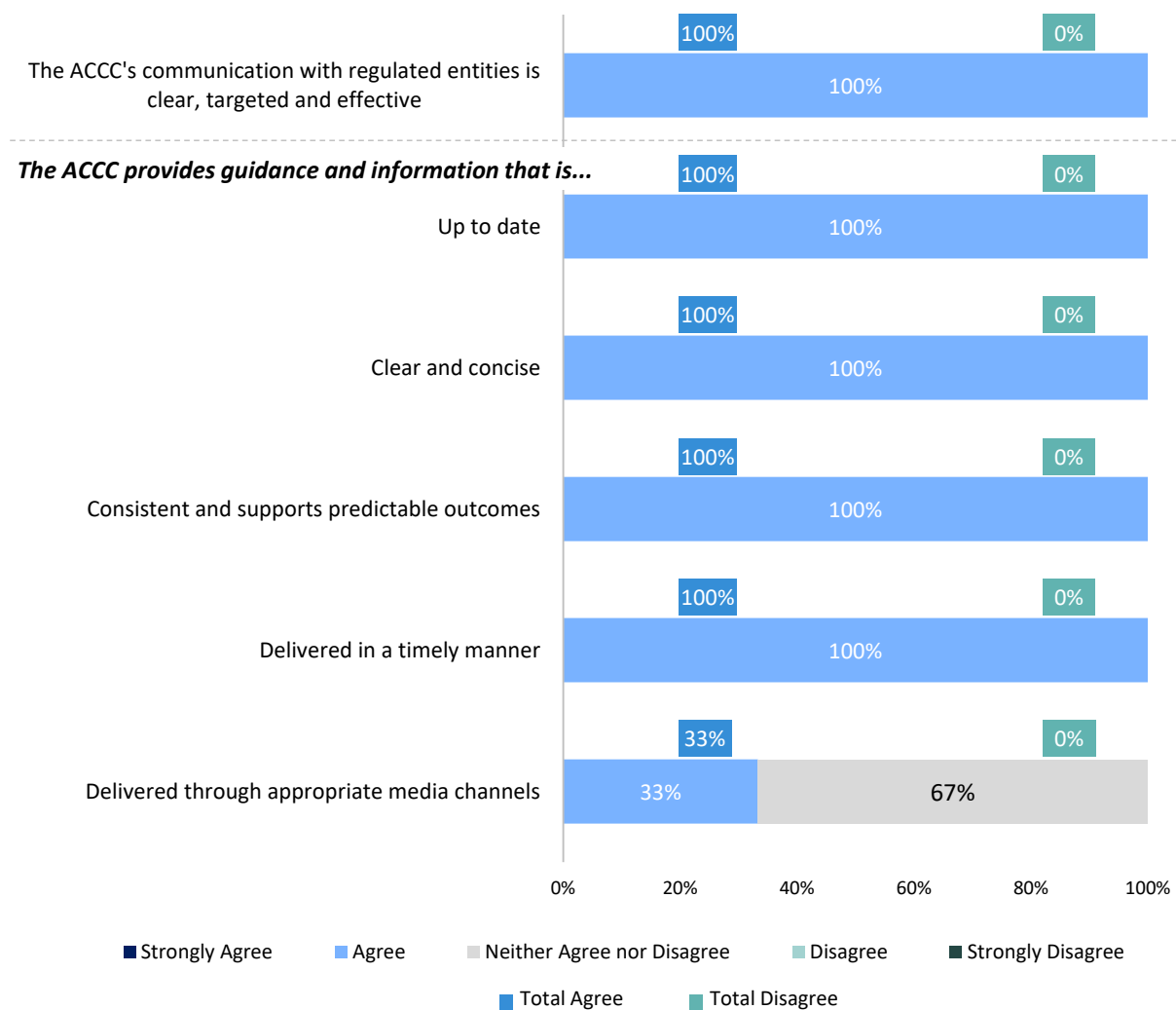
### *Communication with regulated entities is clear, targeted and effective (KPI 2)*

100% (n=3) of Small Business respondents agreed that the ACCC’s communication with regulated entities is clear, targeted and effective.

Additionally, all respondents agreed with almost all aspects of the ACCC's guidance and information, except for its delivery through appropriate media channels, which received two neutral responses.

**Figure 25: Communication with regulated entities is clear, targeted and effective (KPI 2)**

(Base: Small Business respondents, n=3)



## Open-ended feedback for KPI 2

n=2 Small Business respondents provided a comment regarding the ACCC's communication with regulated entities.

### *Positive feedback:*

*"The communication is clear and to the point."*

### *Opportunities for improvement/ Areas of concern:*

Although still maintaining a positive perspective, one respondent expressed the opinion that the ACCC's material placed too much emphasis on legal and regulatory aspects.

*"The ACCC communicates frequently, and is timely. The only criticism is that the ACCC materials are too focused on the legal and regulatory aspects, and their examples provide a glaring insight into the obvious. Regulated entities would not look to the ACCC for genuine guidance, only really an indication as to how the ACCC interprets and intends to enforce the law."*

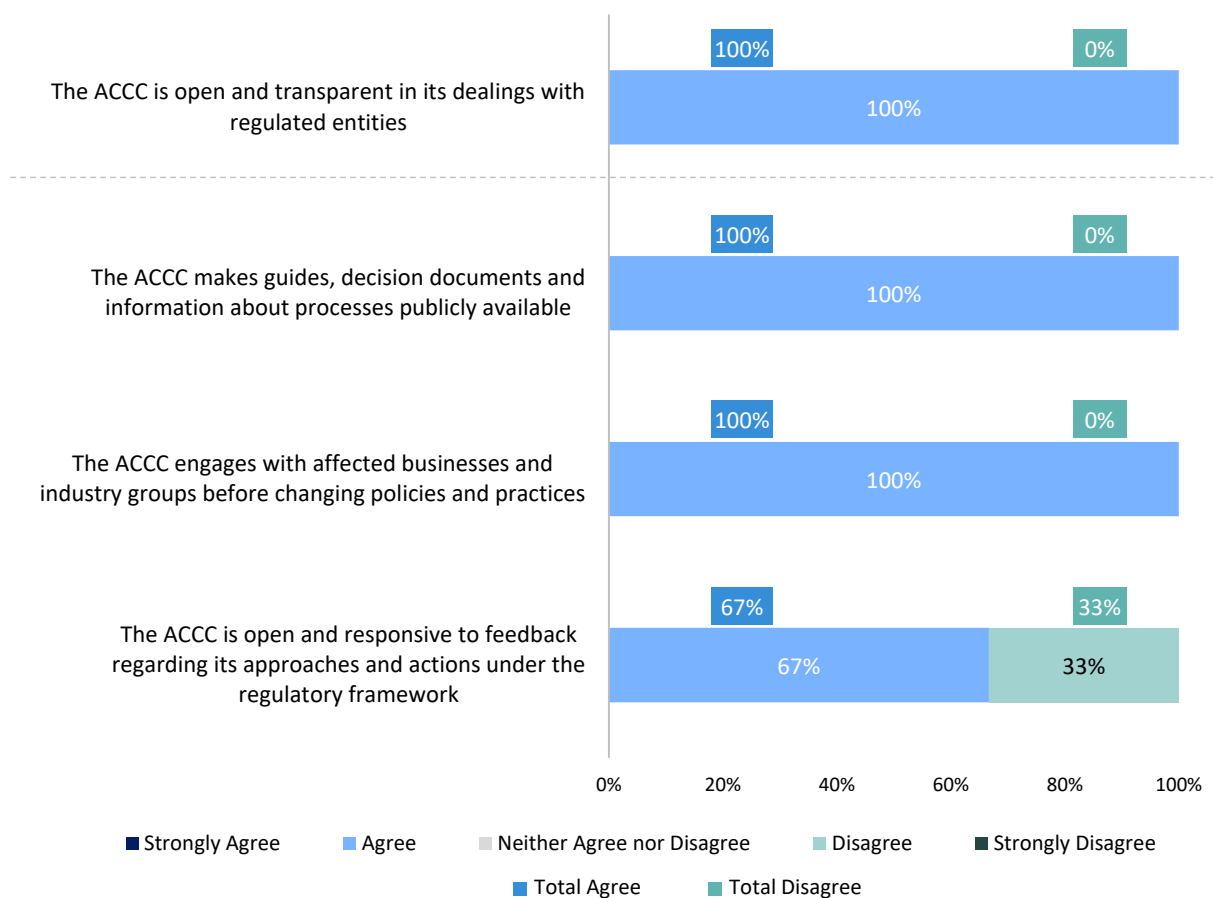
## Regulators are open and transparent in their dealings with regulated entities (KPI 5)

All (n=3) respondents agreed that the ACCC is open and transparent in its dealings with regulated entities.

All also agreed that the ACCC makes guides, decisions documents and information about processes publicly available and engages with affected business and industry groups before making changes. However, one respondent disagreed that the ACCC is open and responsive to feedback regarding its approaches and actions under the regulatory framework.

**Figure 26: Regulators are open and transparent in their dealings with regulated entities (KPI 5)**

(Base: Small Business respondents, n=3)



**Open-ended feedback for KPI 5**

n=2 Small Business respondents provided a comment relating to the openness and transparency of the ACCC in dealing with regulated entities.

*Positive feedback:*

*“The ACCC has always been in correspondence with our industry body representatives.”*

*Opportunities for improvement/ Areas of concern:*

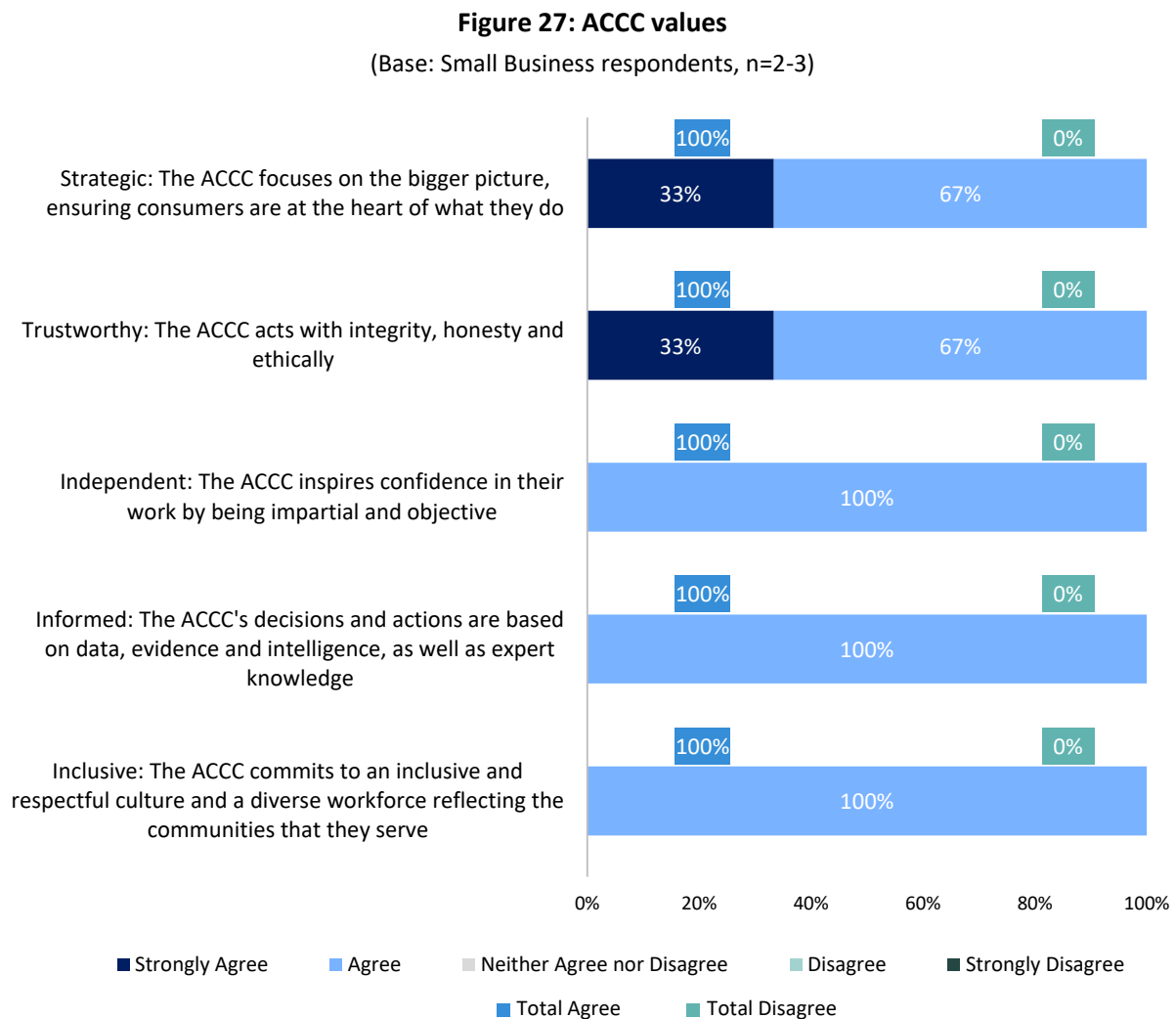
Although still holding a positive view of the ACCC’s transparency and openness, one respondent perceived the ACCC to be sensitive to criticism.

*“I think the ACCC is transparent and open, but it can be pretty sensitive to criticism.”*

## 5.6 ACCC values

Small Business respondents held very favourable perceptions of the ACCC's demonstration of its core values, achieving an overall index score of 78.3ip.

All Small Business respondents agreed that the ACCC demonstrated each of its core values.

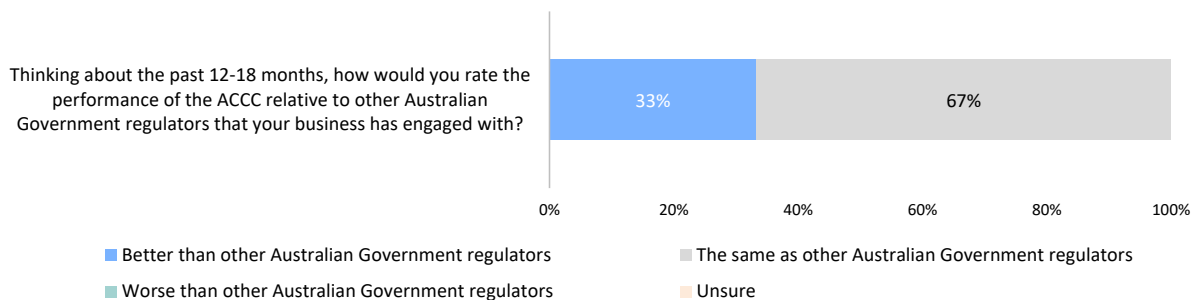


## 5.7 Comparison to other regulators

One respondent felt that the ACCC was better than other Australian Government regulators, while the other two respondents felt that it is the same.

**Figure 28: Comparison to other regulators**

(Base: Small Business respondents, n=3)



The n=1 respondent who felt that the ACCC is better than other Australian Government regulators provided the following comment:

*“They are well resourced and effective.”*

## 5.8 Feedback on key strengths and suggestions for improvement

Small Business respondents provided three comments regarding ACCC’s strengths, and these related to ACCC’s enforcement and information, communication and fairness.

*“Enforcement and information.”*

*“Very good communication and timely response.”*

*“They are fair in their dealings.”*

The only suggestion for improvement was related to addressing smaller complaints more effectively.

*“Dealing with smaller complaints - the ACCC rightly priorities endemic and important issues for enforcement, but there is a lot more the ACCC could do to more proactively assist with all complaints.”*



## 6 Infrastructure Regulation Findings

### 6.1 About this chapter

This chapter presents the findings for the Infrastructure Regulation function area of the ACCC. The Infrastructure Regulation function relates to the economic regulation of communications, transport and rural water sectors and the monitoring of certain industries such as fuel and airports. Overall 15 out of 103 stakeholders responded to the survey, representing an overall response rate of 15%.

### 6.2 Regulator best practice index scores and KPI summary

Infrastructure Regulation respondents generally held favourable views of the ACCC’s performance against the three principles of regulator best practice. They were particularly positive in relation to Principle 3: Collaboration and engagement, achieving a strong index score of 68.3ip. Ratings recorded for Principle 2: Risk based and data driven were neutral, with an index score of 50.0ip.

A wide range of 33%-86% agreed with each of the KPI statements (see Figure 29 below).

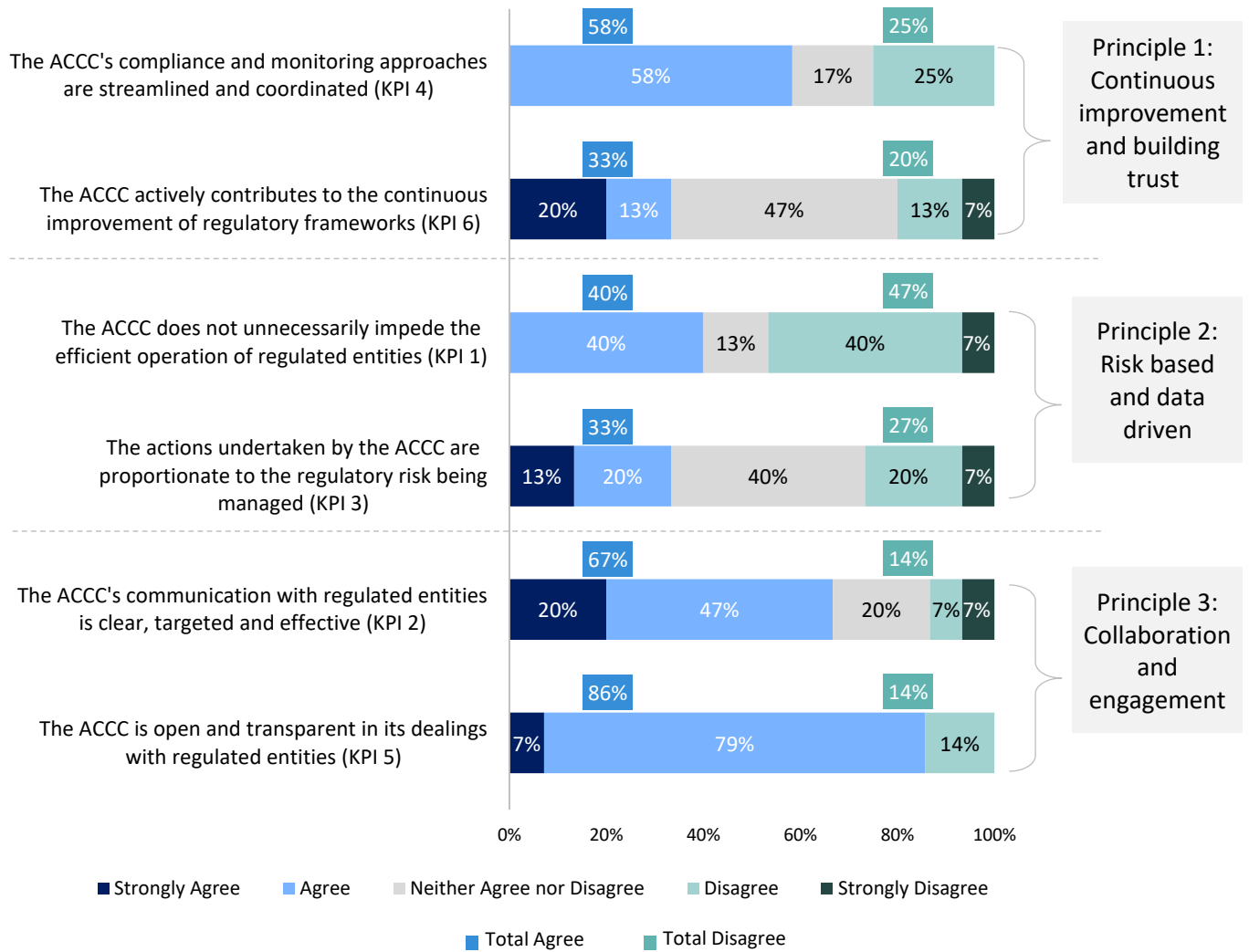
**Table 12: Achieving regulator best practice index score**

(Base: Infrastructure Regulation respondents, n=15)

Composite index scores across the three principles of regulatory best practice (0-100ip)	
Principle 1: Continuous improvement and building trust	57.5ip
Principle 2: Risk based and data driven	50.0ip
Principle 3: Collaboration and engagement	68.3ip

**Figure 29: KPI summary**

(Base: Infrastructure Regulation respondents, n=12-15)



## 6.3 RPG 1: Continuous improvement and building trust

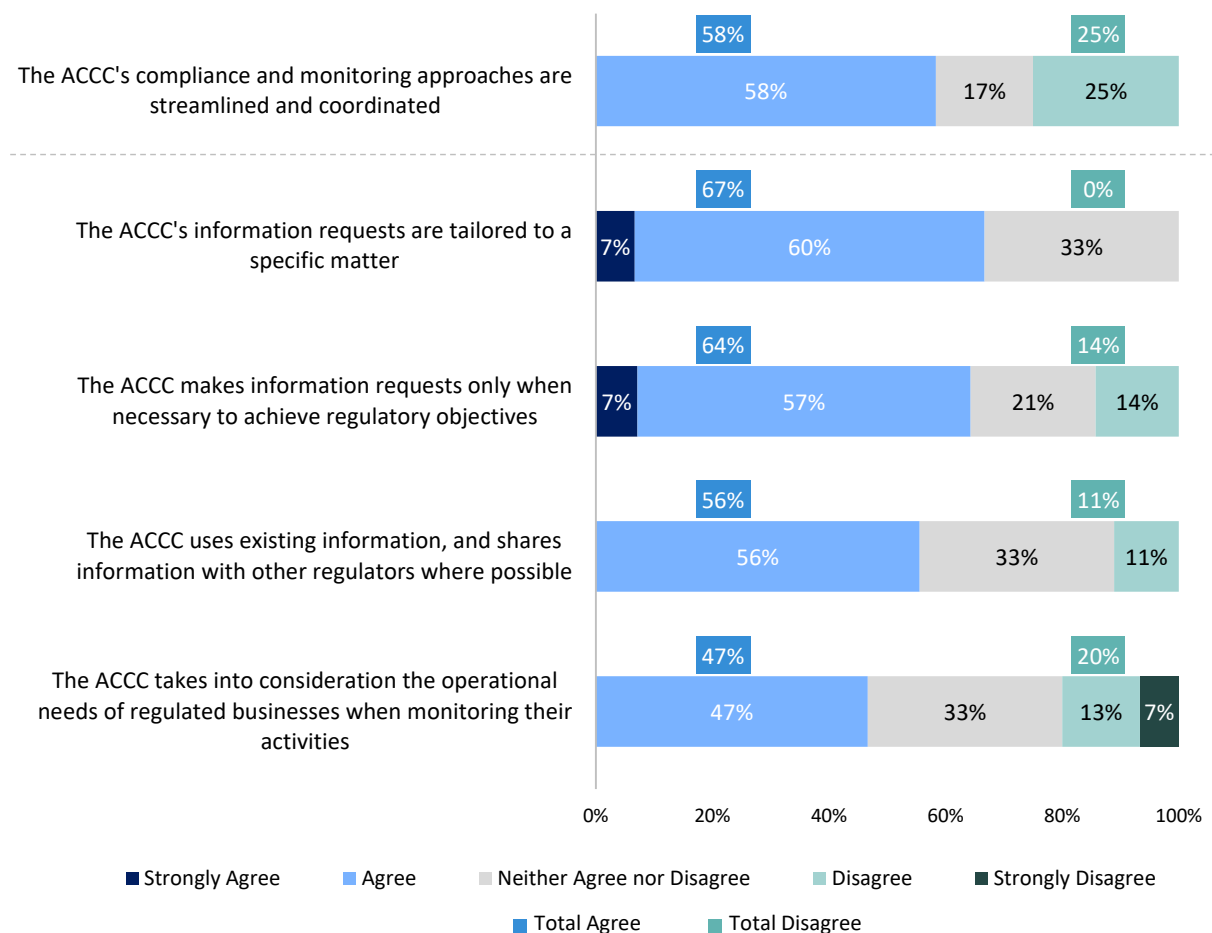
### ***Compliance and monitoring approaches are streamlined and coordinated (KPI 4)***

Around six in ten respondents (58%) agreed that the ACCC’s compliance and monitoring approaches are streamlined and coordinated., while one quarter (25%) disagreed.

In relation to the supporting statements for KPI 4, a higher proportion of Infrastructure Regulation respondents felt that the ACCC’s information requests are tailored (67%) and only made when necessary to achieve regulatory objectives (64%). However, respondents were comparatively less likely to agree that the ACCC takes into consideration the operational needs of regulated businesses when monitoring their activities (47%).

**Figure 30: Compliance and monitoring approaches are streamlined and coordinated (KPI 4)**

(Base: Infrastructure Regulation respondents, n=12-15)



#### **Open-ended feedback for KPI 4**

n=13 Infrastructure Regulation respondents provided a comment relating to the coordination and streamlining of the ACCC's compliance and monitoring approaches.

##### *Positive feedback:*

Some respondents noted that the ACCC's compliance and monitoring approaches are efficient and well-considered.

*"The engagement and approach on compliance has certainly become more streamlined and coordinated in recent years."*

*"Fairly well considered approaches are taken before release and implementation."*

##### *Opportunities for improvement/ Areas of concern:*

Others expressed concerns about their approach, including delays in compliance processes and excessive/unclear information requests.

*"ACCC seems very focused on what it needs to achieve as a regulator, sometimes lacking curiosity or consideration for the appropriateness of particular approaches in specific circumstances, and the impacts on the legitimate business goals of regulated entities."*

*"Some sections of an industry receive more intrusive levels of regulatory monitoring than other sections of the same industry."*

*"Current ARTC Compliance process is very late."*

*"The reason I have given equivocal responses is because sometimes the ACCC's requests etc are tailored and it is clear why the information is being requested and how it is being used. In many other instances, we are asked for information and at times it feels like the ACCC has all of the information needed to run our operations. That does not seem reasonable or necessary and concerns about ACCC security systems make this all the more concerning."*

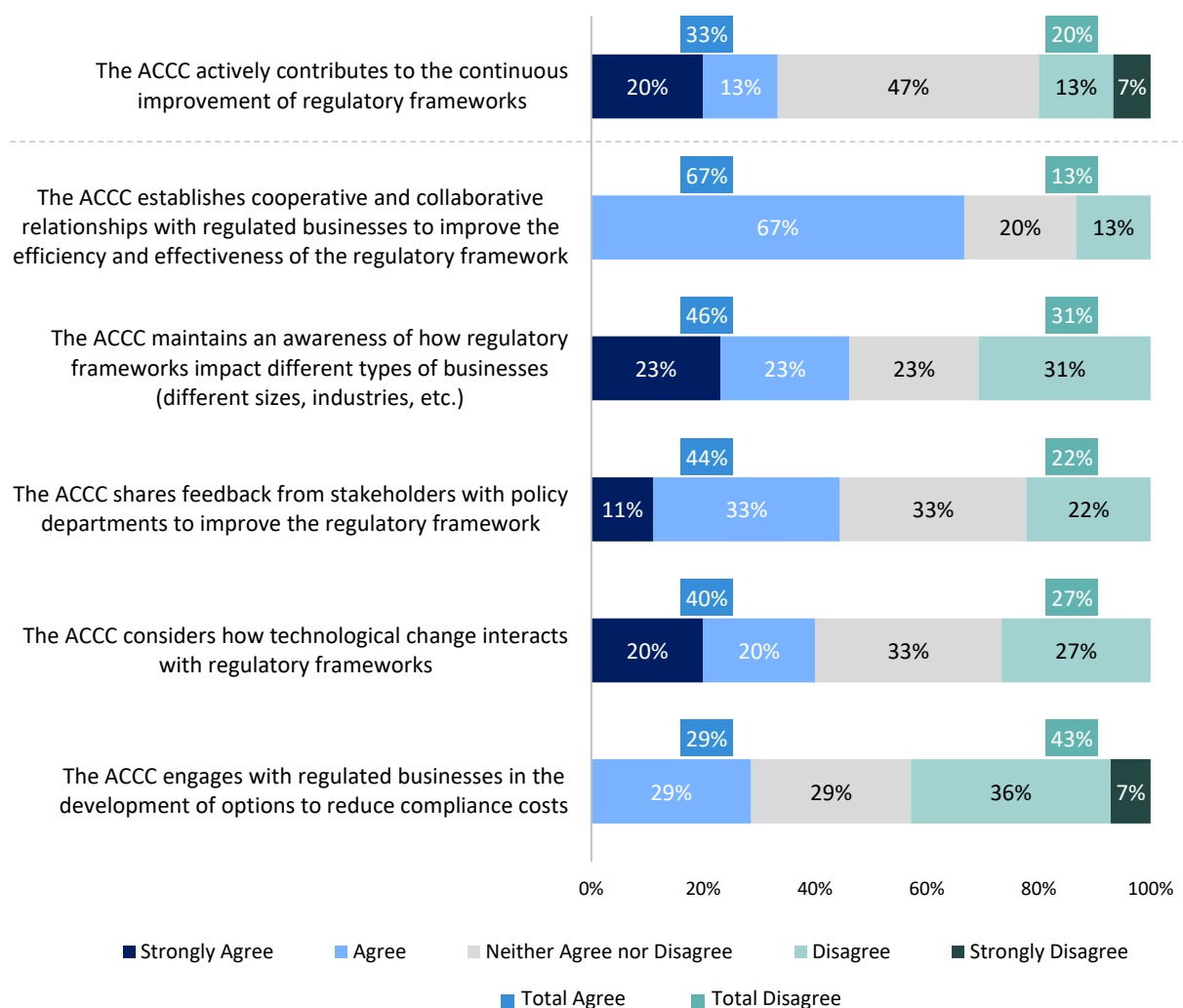
## Regulators actively contribute to the continuous improvement of regulatory frameworks (KPI 6)

Only one third (33%) of Infrastructure Regulation agreed that the ACCC actively contributes to the continuous improvement of regulatory frameworks, while one fifth (20%) disagreed.

The lower ratings in this area may be partly attributed to fewer respondents feeling that the ACCC engages with regulated businesses in the development of options to reduce compliance costs, with only 29% agreeing and 43% disagreeing. On a positive note, the majority (67%) agreed that the ACCC establishes cooperative and collaborative relationships with regulated businesses.

**Figure 31: Regulators actively contribute to the continuous improvement of regulatory frameworks (KPI 6)**

(Base: Infrastructure Regulation respondents, n=9-15)



## Open-ended feedback for KPI 6

All Infrastructure regulation respondents (n=15) provided a comment relating to ACCC's contribution to the continuous improvement of regulatory frameworks.

### *Positive feedback:*

A few respondents praised the ACCC as a proactive and progressive regulator.

*"Proactive regulator who thinks of new and best practice, and is not afraid to be world leading which is great."*

*"The ACCC is pro-active in its regulatory role and is one of the better regulators globally."*

### *Opportunities for improvement/ Areas of concern:*

Others felt that there was a lack of evidence of the ACCC was contributing to improvement. Some perceived the ACCC's approach as reactive and passive.

*"I have seen no evidence of any improvements in frameworks. There is a distinct lack of foresight on industry matters but a strong willingness to enforce regulation without consideration for whether or not that regulation makes sense."*

*"No demonstrated CI benefits seen."*

*"I think the most pressing issue is the involvement of the ACCC in the policy discussion about how markets have changed and the impact of technology on markets. It feels like tinkering rather than holistic consideration of the way markets are now operating."*

*"The ACCC seems to be reactive, and can 'contribute' in an ad hoc manner that does not necessarily improve regulatory frameworks."*

*"The ACCC can be passive in responding to reform of regulations. More often it is industry that initiates change."*

*"I think they review whether frameworks are fit for purpose and look for improvements, however this is done with a presumption of the value of regulation based on a (neo-classical) academic view of monopoly (the inability of which to prove has been a problem in merger court cases too)."*

## 6.4 RPG 2: Risk based and data driven

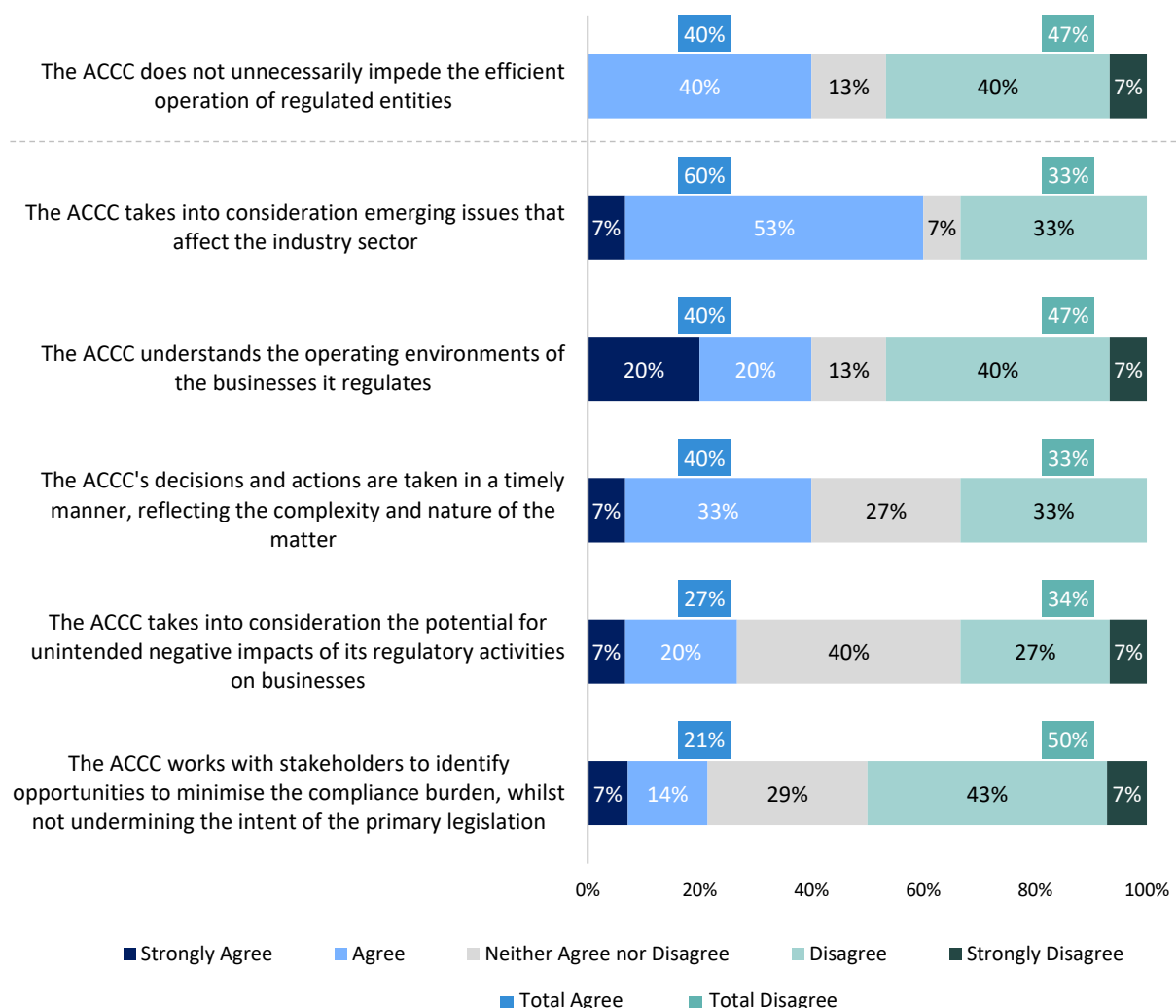
### ***Regulators do not unnecessarily impede the efficient operation of regulated entities (KPI 1)***

Overall, 40% of Infrastructure Regulation respondents agreed that the ACCC does not unnecessarily impede the efficient operation of regulated entities, while nearly half (47%) disagreed.

Of the supporting statements, respondents felt least positive in relation to the ACCC working with stakeholders to identify opportunities to minimise the compliance burden, while not undermining the intent of the primary legislation – only 21% agreed, while half (50%) disagreed. Disagreement levels recorded for other aspects were also quite high, particularly for the ACCC’s understanding of the operation environments of the businesses it regulates (47% disagreed).

**Figure 32: Regulators do not unnecessarily impede the efficient operation of regulated entities (KPI 1)**

(Base: Infrastructure Regulation respondents, n=14-15)



### Open-ended feedback for KPI 1

All Infrastructure regulation respondents (n=15) provided a comment regarding whether the ACCC unnecessarily impedes the efficient operation of regulated entities.

#### *Positive feedback:*

Some respondents were satisfied with this aspect, acknowledging the ACCC's understanding of the complexities of the industries and its willingness to engage in discussions and adopt a practical approach.

*"The ACCC understands the inherent complexities of the industries it regulates."*

*"ACCC willing to discuss issues and take a practical / balanced position."*

*"Role of the regulated entity is greatly considered in relation to consumer and wider industry."*

#### *Opportunities for improvement/ Areas of concern:*

However, various areas of concern were raised including burdensome regulations, lack of consideration for business operations and delays in compliances.

*"The approach sometimes feels like 'When all you have is a hammer everything becomes a nail.'"*

*"I have seen no evidence of the ACCC taking business operations into account when it seeks information or enforces regulation. I have seen significant compliance burdens placed on business from regulation endorsed by the ACCC."*

*"Regulations are over burdensome for the smaller telcos."*

*"The ACCC is too reactive and its thinking does not reflect on industry developments."*

*"Lengthy delays in Compliance report completion."*

*"Curiosity about, respect for expertise in and understanding of regulated businesses/industries, together with effective collaboration, options generation and commitment to minimising the regulatory burden are necessary to ensure that efficient operation of regulated entities are not impeded by ACCC activities."*

*"I don't feel the ACCC has a deep understanding of the commercial realities of running businesses and generating returns on investment."*



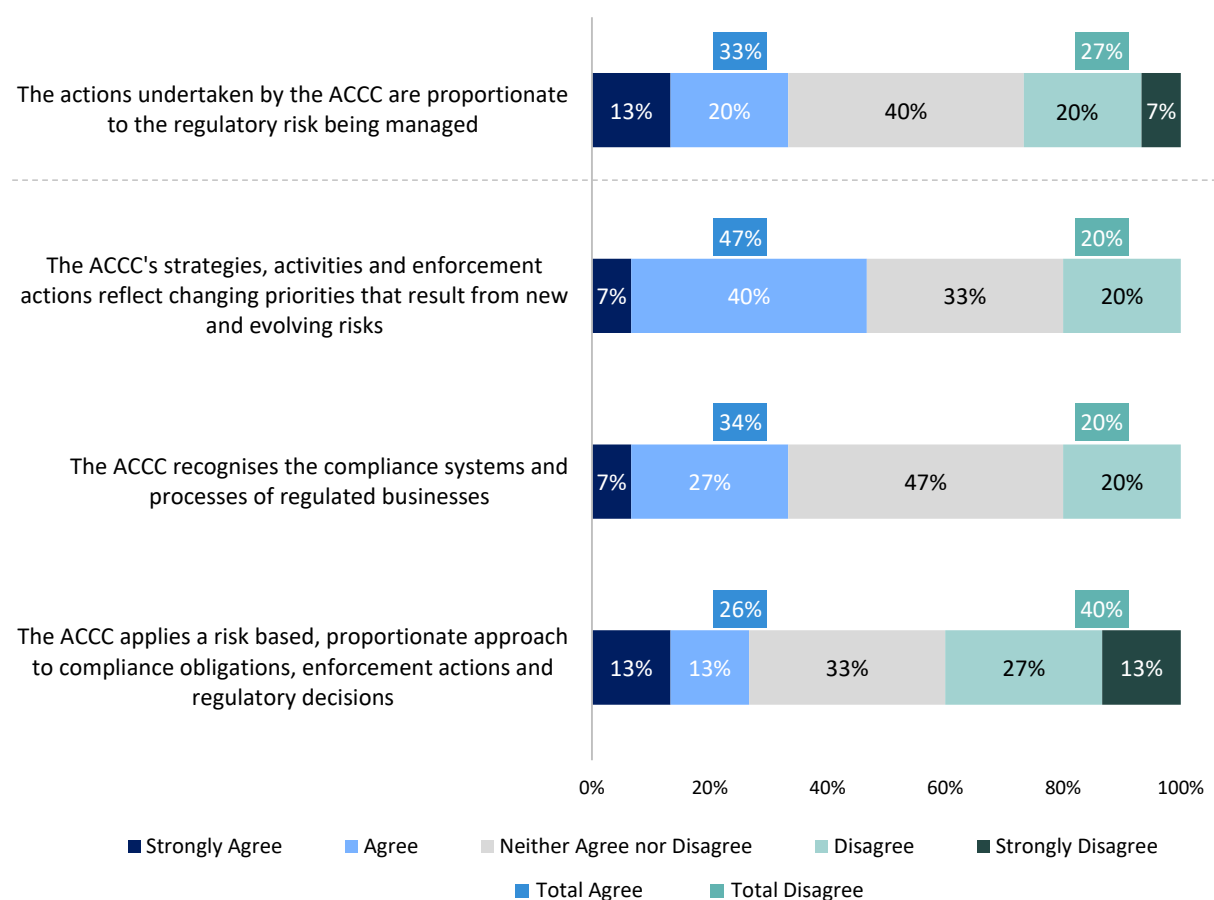
### ***Actions undertaken by regulators are proportionate to the regulatory risk being managed (KPI 3)***

Only one third of (33%) of respondents agreed that the actions undertaken by the ACCC are proportionate to the regulatory risk being managed while over one quarter (27%) disagreed.

In terms of supporting statements, perceptions were notably less positive regarding the ACCC's application of a risk-based and proportionate approach to compliance obligations, enforcement actions, and regulatory decisions. Only around one quarter (26%) agreed with this statement, while two fifths (40%) disagreed.

**Figure 33: Actions undertaken by regulators are proportionate to the regulatory risk being managed (KPI 3)**

(Base: Infrastructure Regulation respondents, n=15)



### Open-ended feedback for KPI 3

n=14 Infrastructure Regulation respondents provided a comment relating to whether actions undertaken by the ACCC are proportionate to the regulatory risk being managed.

#### *Positive feedback:*

Some perceived the ACCC to be focusing on important issues and taking an approach that reflects the commercial context and interests of businesses.

*“They don’t tend to get caught in the weeds and do look back at the bigger picture/more important issues.”*

*“The ACCC the complexities of infrastructure based businesses and regulates these industries accordingly.”*

#### *Opportunities for improvement/ Areas of concern:*

However, others expressed concerns about disproportionate monitoring and a lack of clarity of the rationale behind the ACCC’s actions.

*“Again sections of an industry receive a disproportionate level of monitoring than other sections.”*

*“There is little evidence of the ACCC being proportionate. The ACCC appears to pride itself on being a tough regulator who prides itself on tough regulation and tough enforcement action.”*

*“I think that to some degree the ACCC’s actions are proportionate but there remains many circumstances where the reason for the action is not clear and appears to be disproportionate to any harm to markets.”*

*“If you are solving an academic issue independent of the structure and conduct of the industry chain, actions are independent of the actual risk being managed.”*

*“Sometimes it is difficult to understand what the problem the ACCC is attempting to solve. Whilst it may appear to be active and knowledgeable in general media, the ACCC is often seen as not across all the nuances of the industries that it regulates.”*

*“At times there is an appearance of disrespect or disregard for the legitimate business objectives, non-regulatory incentives and technical/commercial expertise of regulated entities. The ACCC needs to be willing to adapt where there may be effective commercial, competitive, reputational or other incentives mitigating against the risk of the adverse outcomes that regulatory action seeks to curtail, which may justify a lighter touch from the regulator.”*

*“We have seen repeated evidence of compliance action taken where the impact to customers has been mitigated or was minimal.”*

## 6.5 RPG 3: Collaboration and engagement

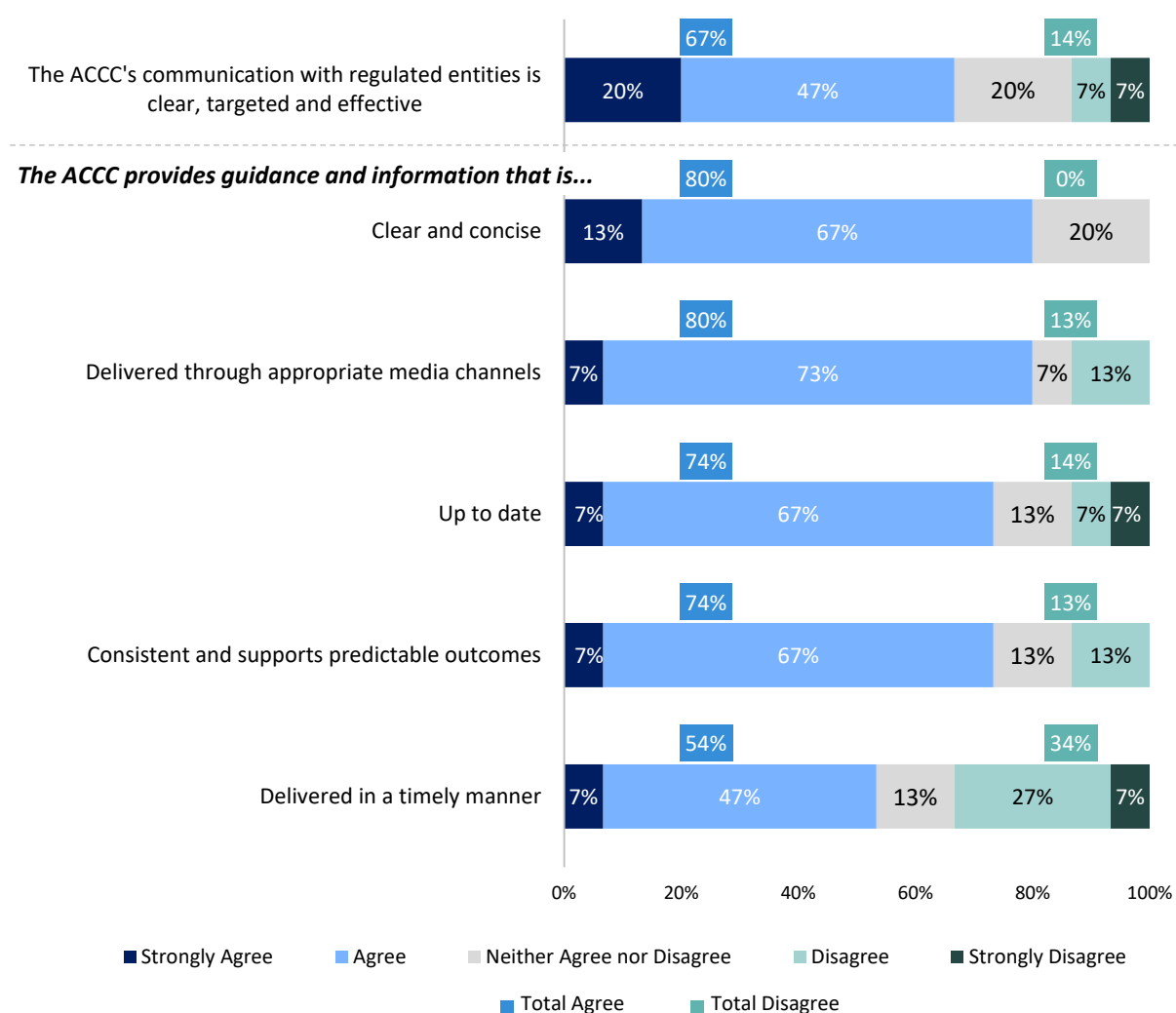
### **Communication with regulated entities is clear, targeted and effective (KPI 2)**

Two thirds (67%) of respondents agreed that the ACCC’s communication with regulated entities is clear, targeted and effective.

Ratings for supporting statements were also very favourable, with a large majority (74% - 80%) agreeing with nearly all aspects. However, the timeliness of the delivery of ACCC's guidance and information was rated slightly lower (54% agreed, while 34% disagreed).

**Figure 34: Communication with regulated entities is clear, targeted and effective (KPI 2)**

(Base: Infrastructure Regulation respondents, n=15)



## Open-ended feedback for KPI 2

n=13 Infrastructure Regulation respondents provided a comment relating ACCC's communications.

### *Positive feedback:*

Most respondents generally agreed that the ACCC's communication with regulated entities is clear, targeted, and effective.

*"The ACCC is clear and concise in its communication to the industry."*

*"The ACCC's communications are transparent, clear, effective and well targeted. The ACCC is one of the best regulators in the world in this regard."*

### *Opportunities for improvement/ Areas of concern:*

However, there were a few who felt that the communication was insufficient.

*"It is all done by email instead of a phone call or face to face collaboration."*

*"There is often no communication on important matters unless something is required by the ACCC."*

*"ACCC is too reactive and ad hoc."*

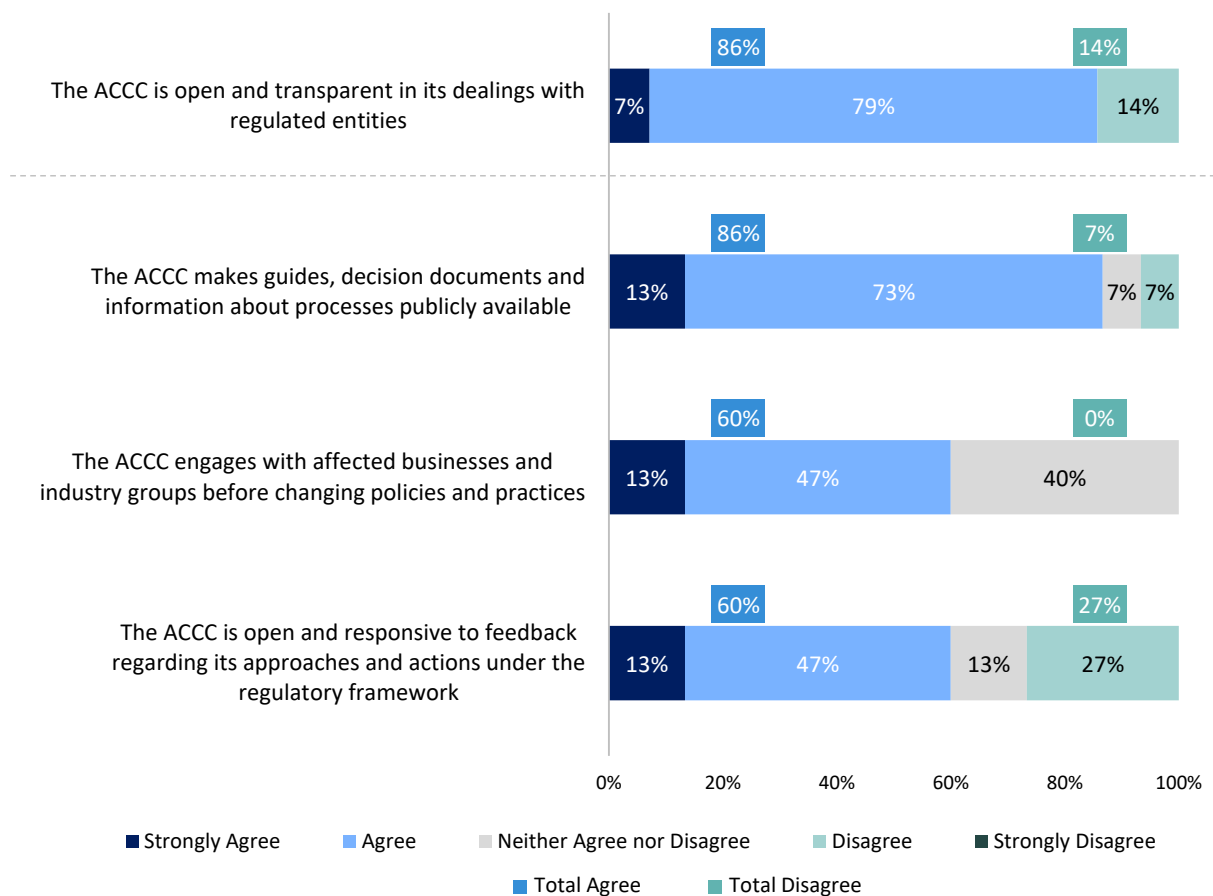
## Regulators are open and transparent in their dealings with regulated entities (KPI 5)

Among Infrastructure Regulation respondents, perceptions of KPI 5 were more positive compared to other KPIs. The large majority (86%) agreed that the ACCC is open and transparent in its dealings with regulated entities, while only 14% disagreed.

Respondents were particularly positive about the ACCC's practice of making guides, decision documents, and information about processes publicly available (86%). Although ratings were comparatively lower, respondents still held favourable views regarding the ACCC's engagement with affected businesses and industry groups before implementing policy changes, as well as their openness and responsiveness to feedback regarding their approaches and actions under the regulatory framework (both 60%).

**Figure 35: Regulators are open and transparent in their dealings with regulated entities (KPI 5)**

(Base: Infrastructure Regulation respondents, n=14-15)



### Open-ended feedback for KPI 5

n=13 Infrastructure Regulation respondents provided a comment relating to ACCC's openness and transparency in dealing with regulated entities.

#### *Positive feedback:*

Most noted that the ACCC is transparent, clear and open to engaging with industry.

*"The ACCC has prioritised transparent decision-making."*

*"The ACCC accommodates the views and opinions of industry participants."*

*"Processes are clear. Main stakeholders are informed along the way."*

#### *Opportunities for improvement/ Areas of concern:*

Respondents' areas of concern sometimes related to the ACCC's responsiveness to feedback.

*"Only thing I query is responsive, as it rarely responds to alternative views positively (or quickly)."*

*"The ACCC is very transparent and open to engage with industry. However, the ACCC may not take on board feedback."*

*"It is difficult to know what the ACCC thinks on a range of topics. Commonly communications from the ACCC are to tell business what they are doing wrong and how the ACCC intends to prosecute them. The ACCC would be better served by being a trusted partner with business that seeks to worked collaboratively to improve consumer outcomes."*

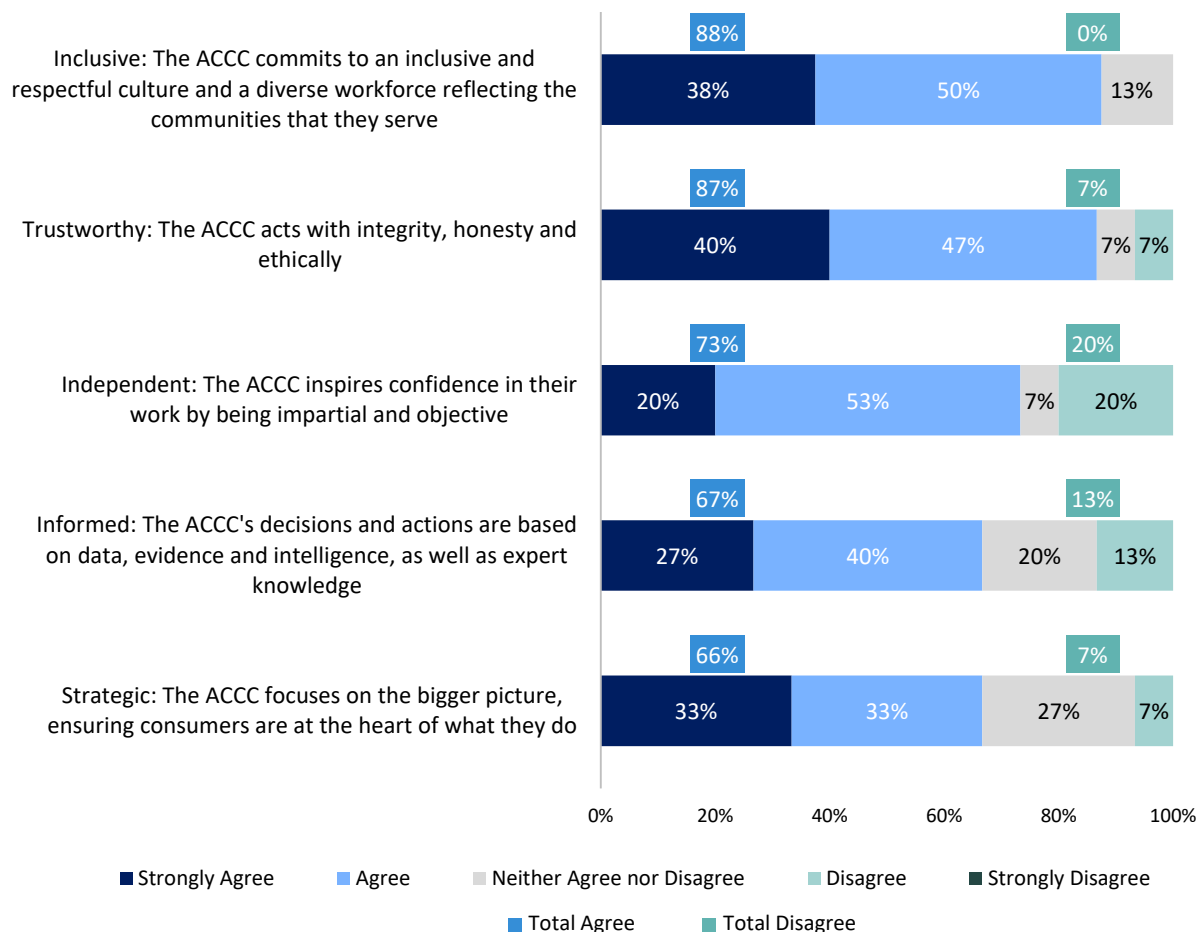
*"Broadly good, with development opportunity to ensure draft annual monitoring reports are shared with parties directly involved/impacted by report ahead of public release. Further where regulatory positions need to be put in place by the ACCC that there is early engagement and transparency with industry on potential regulatory concepts or responses."*

## 6.6 ACCC values

Infrastructure Regulation respondents held very favourable perceptions regarding the ACCC upholding its core values, achieving an overall index score of 73.5ip. Respondents were most likely to agree that the ACCC demonstrated inclusiveness (88%) and trustworthiness (87%), while perceptions of the ACCC being informed (67%) and strategic (66%) were comparatively less positive.

**Figure 36: ACCC values**

(Base: Infrastructure Regulation respondents, n=8-15)

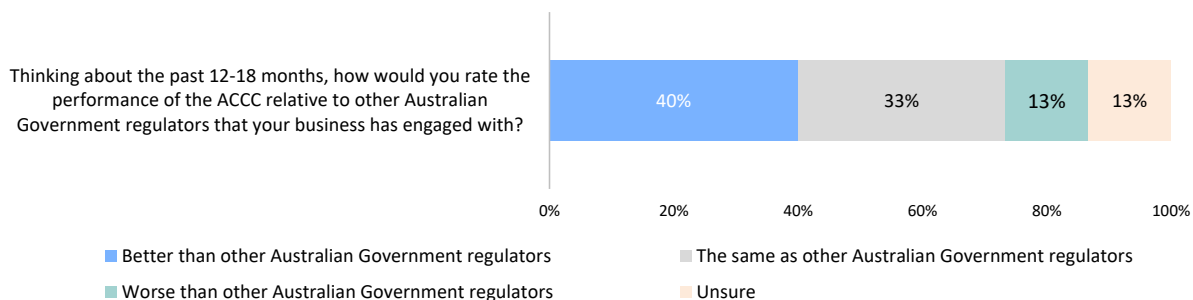


## 6.7 Comparison to other regulators

Two fifths of respondents (40%) felt that the ACCC’s performance was better than other Australian Government regulators, while 13% felt that the ACCC was worse. The remaining respondents perceived the ACCC and other regulators to be on par (33%), or were unsure of any differences (13%).

**Figure 37: Comparison to other regulators**

(Base: Infrastructure Regulation respondents, n=15)



Those who felt that the ACCC performed better than other Australian government regulators praised ACCC for its level of professionalism and communication.

*“Professional in their approach, with access provided to key senior individuals.”*

*“Good communication at most levels.”*

*“The ACCC is one of the most professional of any of the Australian government regulators. The ACCC is one of the best competition regulators in the world. The ACCC’s track record of integrity is exemplary. The quality of ACCC decisions is generally very high, plus there is a high degree of accountability to the courts if decisions go awry. We are very lucky in Australia to have such a competent regulator, given my experience dealing with other jurisdictions.”*

One respondent that felt that the ACCC was worse commented:

*“Engagement and collaboration with stakeholders must be improved to enable timely and responsive engagement instead of lengthy correspondence by email. Would help if there was a greater appreciation for what the customer thinks and expects.”*



## 6.8 Feedback on key strengths and suggestions for improvement

Infrastructure Regulation respondents most commonly praised the ACCC for its effective collaboration and engagement. A few also commended the ACCC's expertise, accessibility, consistency and transparency. However some stakeholders expressed wanting increased or earlier engagement in decision-making processes, as well as various other suggestions for improvements.

### Specific aspects of performance that ACCC does well (n=13)

*"I think the ACCC's collaboration and engagement has improved significantly particularly under the current leadership."*

*"Collaboration and engagement is a strength of the ACCC and supports the needs of regulated businesses."*

*"All three are evident but collaboration and engagement does stand out."*

*"On balance we believe that the approach, methods of interaction and communication that have been applied by the ACCC have been acceptable."*

*"Very good at facilitating access to key people within ACCC including commissioners. This supports best practice across all 3 principles, allowing for good sharing of information and upskilling on industry dynamics as well as good collaboration on key industry issues."*

*"Consistent public reporting of monitoring industries / companies."*

*"The ACCC has a wealth of experience, expertise and information at its disposal. Their people are smart and capable. The ACCC is clearly committed to transparent regulatory processes which is good for all parties."*

*"Very considered and analytical approach to its regulatory role with strong stakeholder engagement."*

*"The ACCC has deep expertise and a willingness to continually update and refine that expertise to ensure its decisions are of a high quality. The ACCC's approach is consistent with its ranking as one of the top regulators in the world."*

*"It is data driven and risk based - but can be problematic if you define risk incorrectly."*

*"The ACCC has made improvements on reporting on industry, however it is unclear how much of that has feedback into its decisions."*

### Suggestions for improvement (n=10)

*"More understanding of the technology and detailed operational issues of industries they regulate and the complexities required to change systems. Engaging more with industry before important decisions are made."*

*"Where there are regulatory positions to be put in place by the ACCC it is integral that these are tested with industry (where possible). Early engagement and transparency on potential regulatory concepts or responses would ensure alignment to regulator best practice."*

*"More opportunities for regulatory sandboxing to test and trial concepts and allow business to innovate."*

*"The ACCC can leverage the information it has better. It makes a lot of reports, but it is not apparent the information it collects and reports on feeds into its decision making process on matters."*

*"It should take a less asymmetric view of risk."*

*“More timely turnaround of reports.”*

*“Guard against an assumption that regulated entities face no incentives aligned with the public interest, consequent lack of trust and respect for the expertise, intention and legitimate objectives of the entity, a lack of faith in market constraints and lack of regard for broader consequences of regulatory actions.”*

*“ACCC’s compliance role should better reflect the nature of the harm being addressed and the circumstances that might have led to a breach.”*

## 7 Enforcement Findings

### 7.1 About this chapter

This chapter presents the findings for the Enforcement function area of the ACCC. The Enforcement function relates to the investigation and resolution, including through litigation, of potential breaches by businesses and individuals of the competition, fair trading and consumer protection provisions of the Competition and Consumer Act 2010.

Overall 6 out of 53 stakeholders responded to the survey, representing an overall response rate of 11%. Please interpret the results for this function area with caution due to small sample sizes.

### 7.2 Regulator best practice index scores and KPI summary

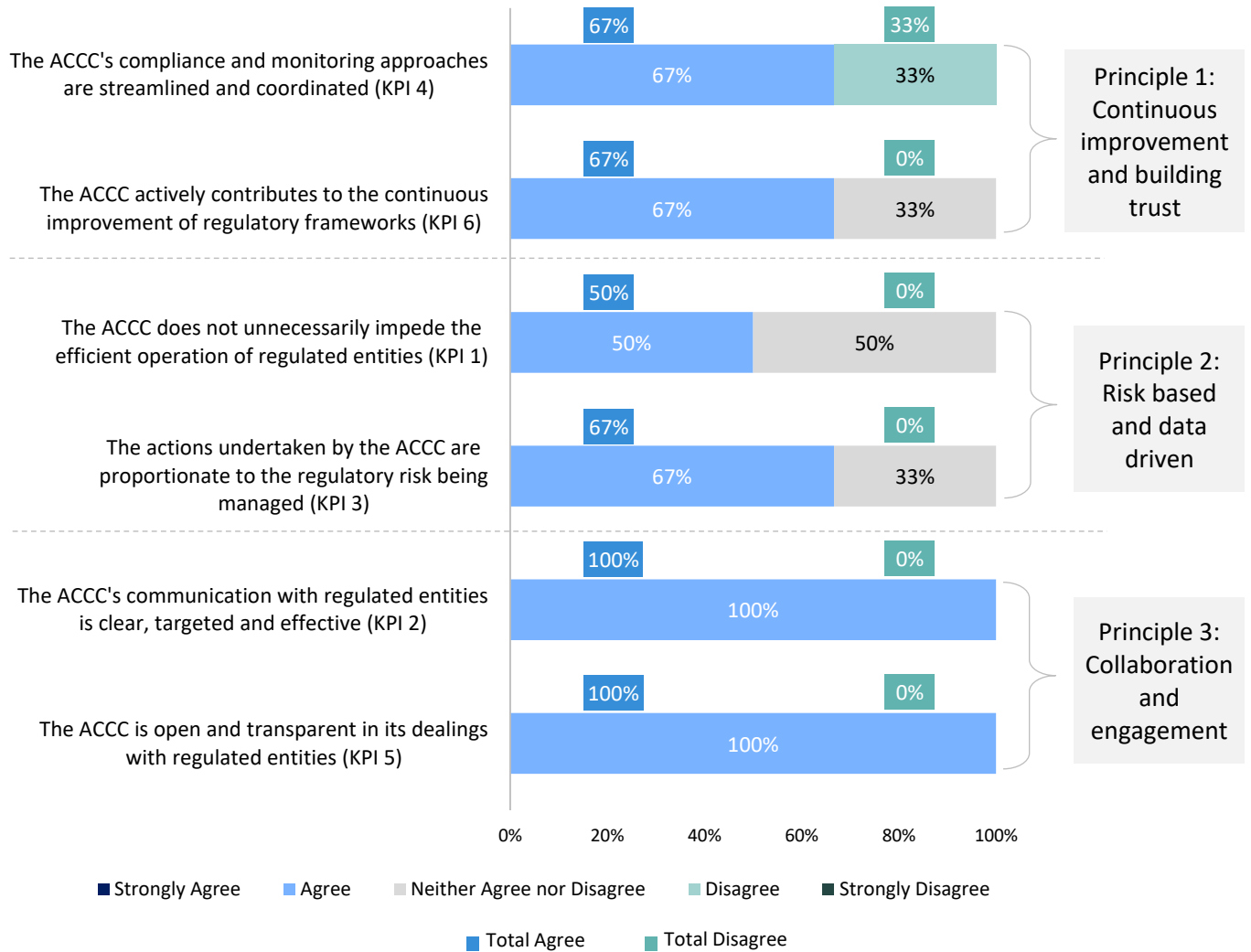
Enforcement respondents provided positive index scores for each of the three principles of regulator best practice, particularly for Principle 3: Collaboration and engagement, which recorded a 100% agreement rate for both KPI statements. However, please note the low base sizes for this function area when interpreting the results in this section (n=3-6).

50%-100% of stakeholders agreed with each of the KPI statements (see Figure 38 below).

**Table 13: Achieving regulator best practice index score**  
(Base: Enforcement respondents, n=3-6)

Composite index scores across the three principles of regulatory best practice (0-100ip)	
Principle 1: Continuous improvement and building trust	62.5ip
Principle 2: Risk based and data driven	65.6ip
Principle 3: Collaboration and engagement	75.0ip

**Figure 38: KPI summary**  
 (Base: Enforcement respondents, n=3-6)



## 7.3 RPG 1: Continuous improvement and building trust

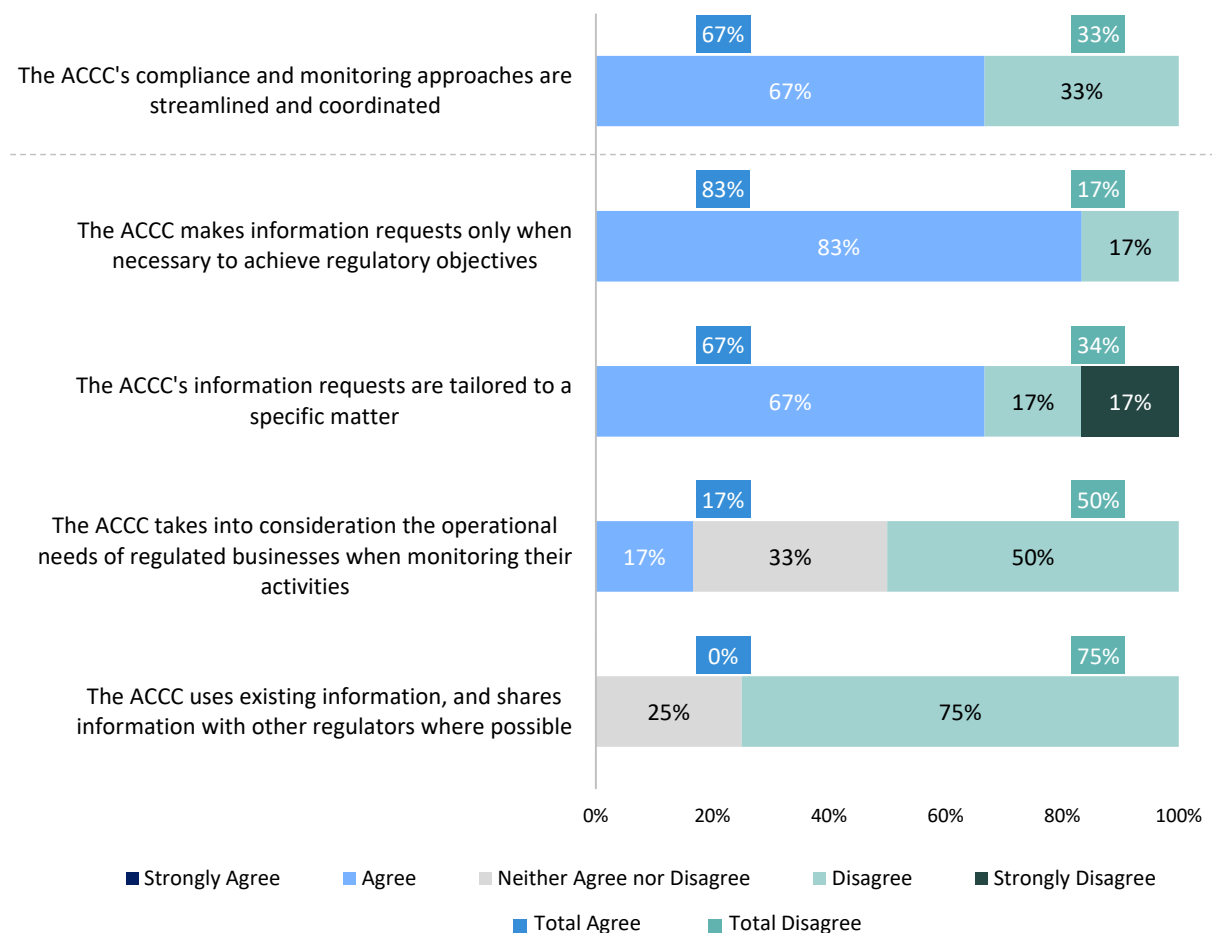
### ***Compliance and monitoring approaches are streamlined and coordinated (KPI 4)***

Most (67%) respondents agreed that the ACCC’s compliance and monitoring approaches are streamlined and coordinated.

However, ratings recorded for the supporting statements varied (0%-83%). While most agreed that the ACCC’s information requests are necessary (83%) and tailored (67%), only 17% (n=1) felt the ACCC takes into consideration the operational needs of regulated businesses when monitoring their activities and no respondents agreed that the ACCC uses existing information and shares information with other regulators where possible (75% *disagreed*).

**Figure 39: Compliance and monitoring approaches are streamlined and coordinated (KPI 4)**

(Base: Enforcement respondents, n=4-6)



#### **Open-ended feedback for KPI 4**

n=4 Enforcement respondents provided a comment relating to the ACCC's compliance and monitoring approaches being streamlined and coordinated.

#### *Opportunities for improvement/ Areas of concern:*

Suggestions for improvement related to the consistency, repetitiveness and specificity of the ACCC's approaches.

*"While the ACCC aims to approach compliance functions in a streamlined way, this is often inconsistent and the approach depends on the particular enforcement team involved."*

*"That is mostly the case but sometimes the ACCC does ask repeat questions (maybe a function of team changes)."*

*"Requests are very broad brush, not specific to issue being targeted. Little appreciation to the resources and other pressures on the businesses when setting deadlines."*

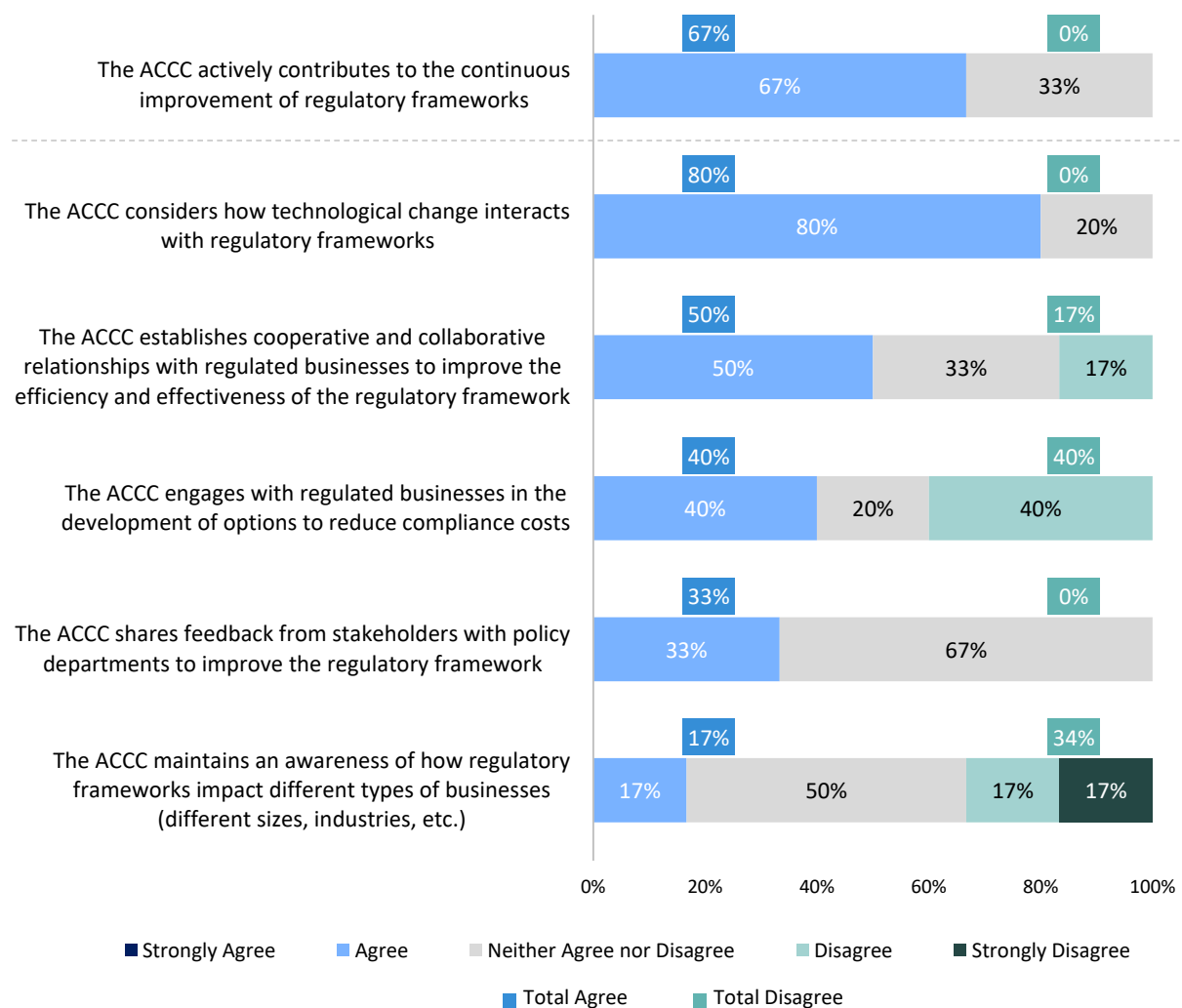
## Regulators actively contribute to the continuous improvement of regulatory frameworks (KPI 6)

Two thirds (67%) of Enforcement respondents agreed that the ACCC actively contributes to the continuous improvement of regulatory frameworks, while the remainder were neutral.

Perceptions of supporting statements were also varied (17-80%). While most (80%) agreed that the ACCC considers how technological change interacts with regulatory frameworks, only 17% (n=1) agreed that the ACCC maintains an awareness of how regulatory frameworks impact different types of businesses. 40% (n=2) also *disagreed* that the ACCC engages with regulated businesses in the development of options to reduce compliance costs.

**Figure 40: Regulators actively contribute to the continuous improvement of regulatory frameworks (KPI 6)**

(Base: Enforcement respondents, n=3-6)



### Open-ended feedback for KPI 6

n=4 Enforcement respondents provided a comment relating to the ACCC's contribution to the continuous improvement of regulatory frameworks. Some noted positive examples of the ACCC in achieving this, while two more neutral responses were provided:

*"It has been my experience in working through issues over the years that the ACCC supports continuous improvement in regulatory framework. The Harper Review of Competition law was a classic example of that."*

*"The ACCC makes a positive contribution to the development of regulatory frameworks. However, the ACCC does not consistently taken into account practical issues that regulated entities are seeking to manage, including measures to manage compliance costs / burden."*

*"Don't have a lot of visibility. Historically, think APRA and ACCC's approaches have been at odds."*



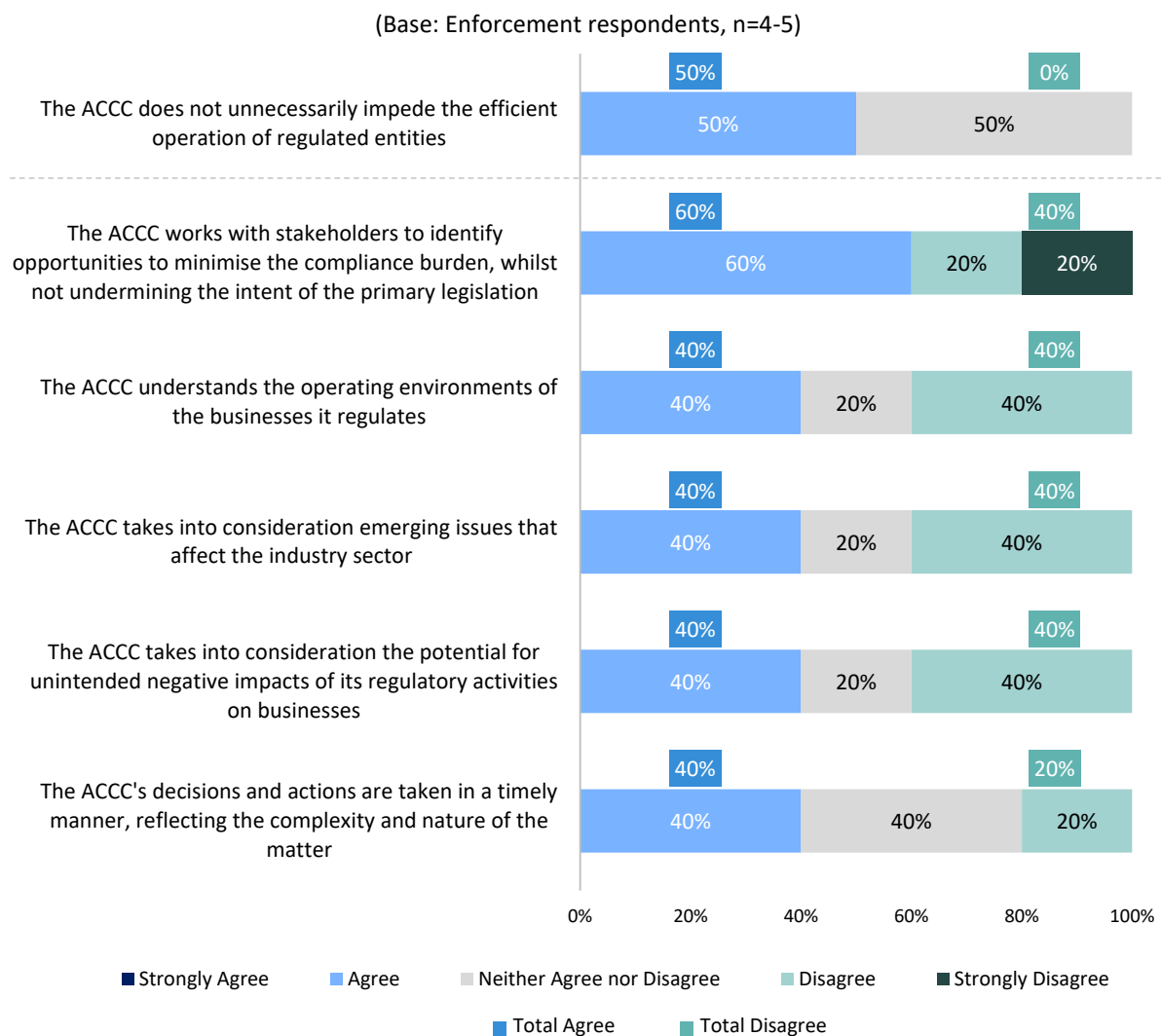
## 7.4 RPG 2: Risk based and data driven

### ***Regulators do not unnecessarily impede the efficient operation of regulated entities (KPI 1)***

Half (50%) of Enforcement respondents agreed that the ACCC does not unnecessarily impede the efficient operation of regulated entities, while the other half felt neutral.

Perceptions of the underlying statements were also quite mixed, with respondents generally being evenly divided between agreement and disagreement for all statements.

**Figure 41: Regulators do not unnecessarily impede the efficient operation of regulated entities (KPI 1)**



#### **Open-ended feedback for KPI 1**

One respondent who recorded a neutral rating regarding the ACCC not impeding the efficient operation of regulated entities provided the following comment.

*“The ACCC does not impede, however, when there is an investigation it is not alive to the operational constraints of the business.”*

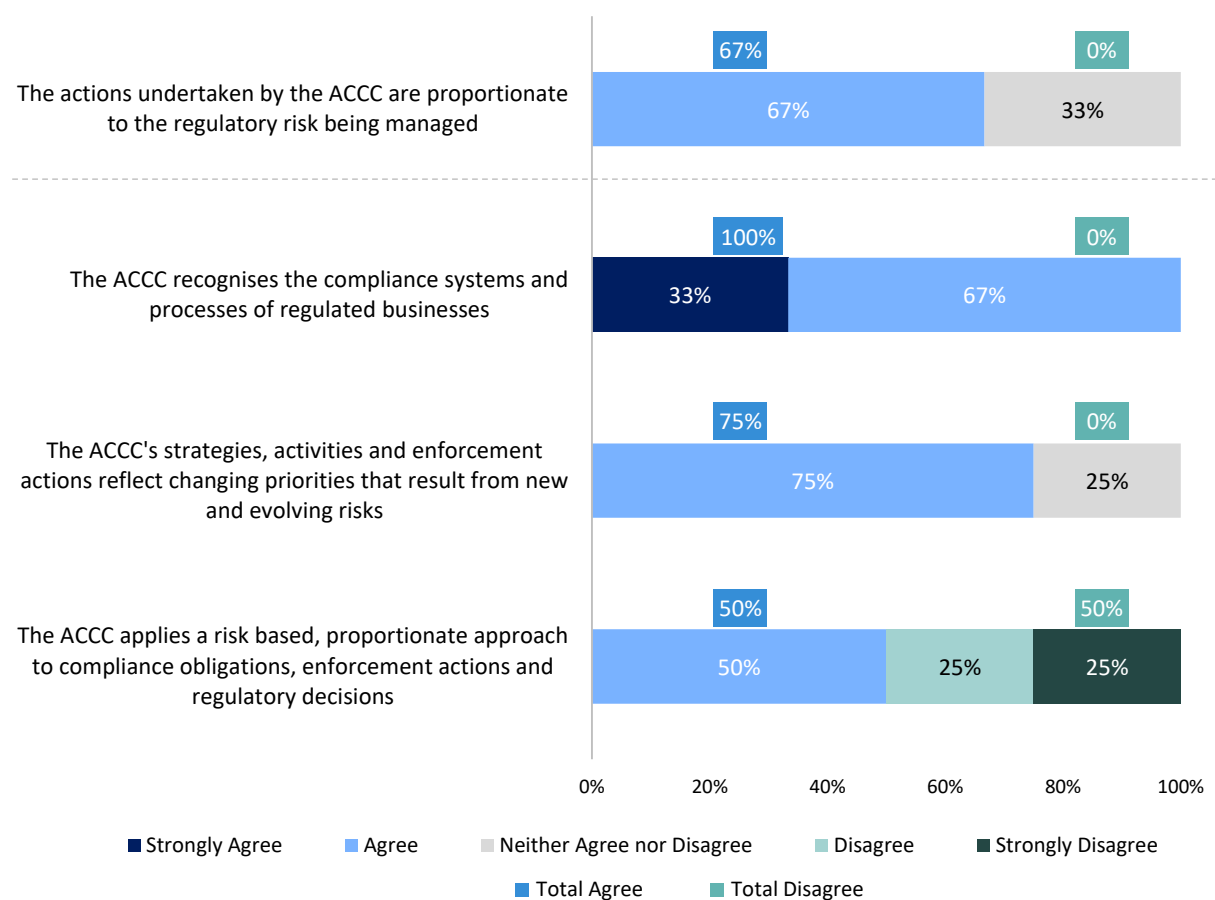
### Actions undertaken by regulators are proportionate to the regulatory risk being managed (KPI 3)

Two thirds (67%) of respondents agreed that the actions undertaken by the ACCC are proportionate to the regulatory risk being managed while the remainder (n=1) felt neutral.

All (100%) respondents rated ACCC’s recognition of compliance systems and processes of businesses positively. However ratings relating to the ACCC applying a risk based proportionate approach to compliance obligations, enforcement actions and regulatory decisions were mixed (50% agreed, 50% disagreed).

**Figure 42: Actions undertaken by regulators are proportionate to the regulatory risk being managed (KPI 3)**

(Base: Enforcement respondents, n=3-4)



#### Open-ended feedback for KPI 3

The respondent who felt neutral about ACCC’s actions being proportionate provided the following open-ended feedback.

*“In terms of emerging safety risks and enforcement - agreed. The ACCC can bring and maintain enforcement actions to prove a point or obtain a press release. Such actions have no regard for the underlying impact on the business and the (sometimes minimal) damage caused in the community.”*

## 7.5 RPG 3: Collaboration and engagement

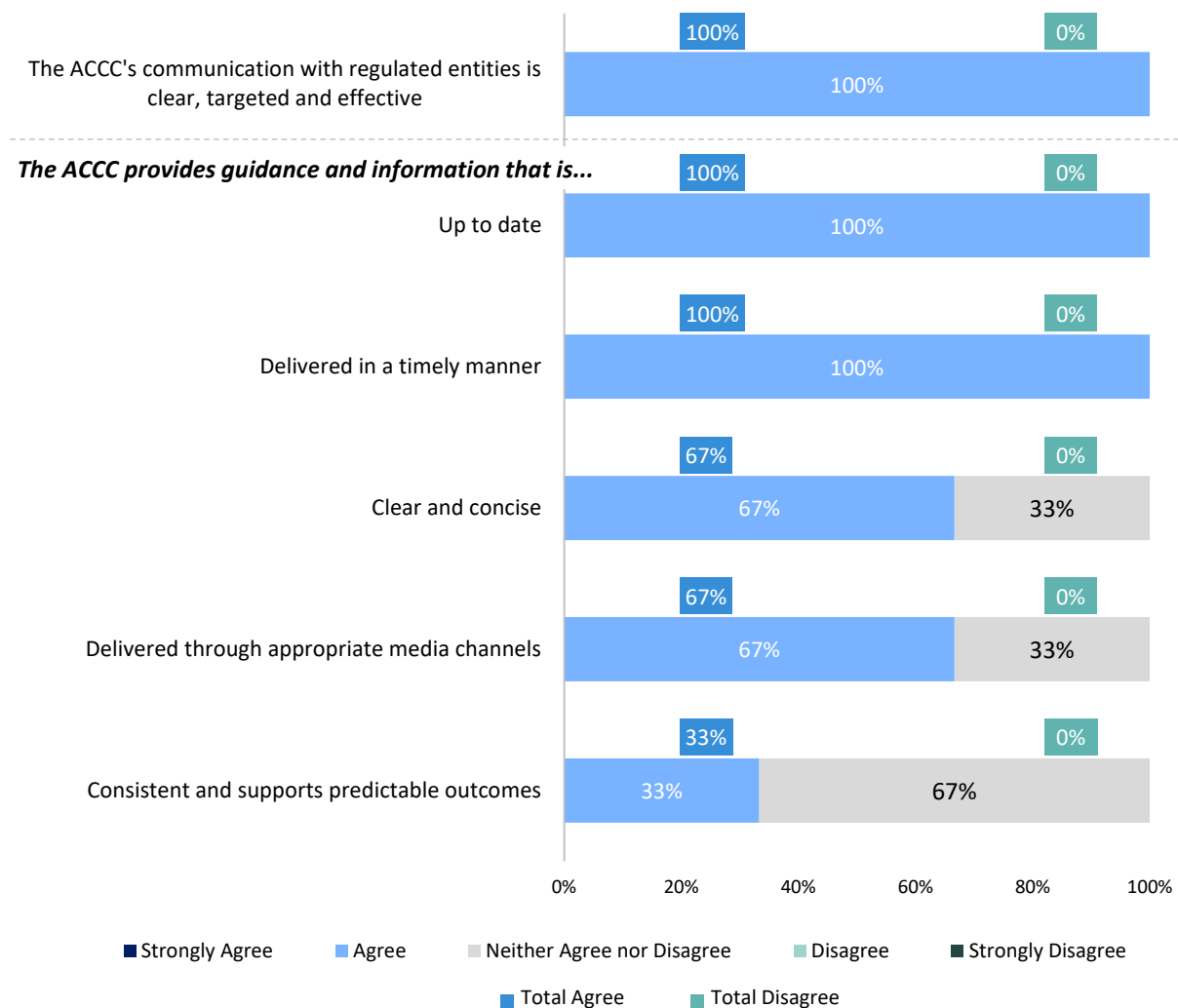
### ***Communication with regulated entities is clear, targeted and effective (KPI 2)***

100% (n=3) of Enforcement respondents agreed that the ACCC’s communication with regulated entities is clear, targeted and effective.

Respondents generally also agreed with the underlying aspects of ACCC’s guidance and information, although perceptions of information being consistent and providing support for predictable outcomes were less positive.

**Figure 43: Communication with regulated entities is clear, targeted and effective (KPI 2)**

(Base: Enforcement respondents, n=3)



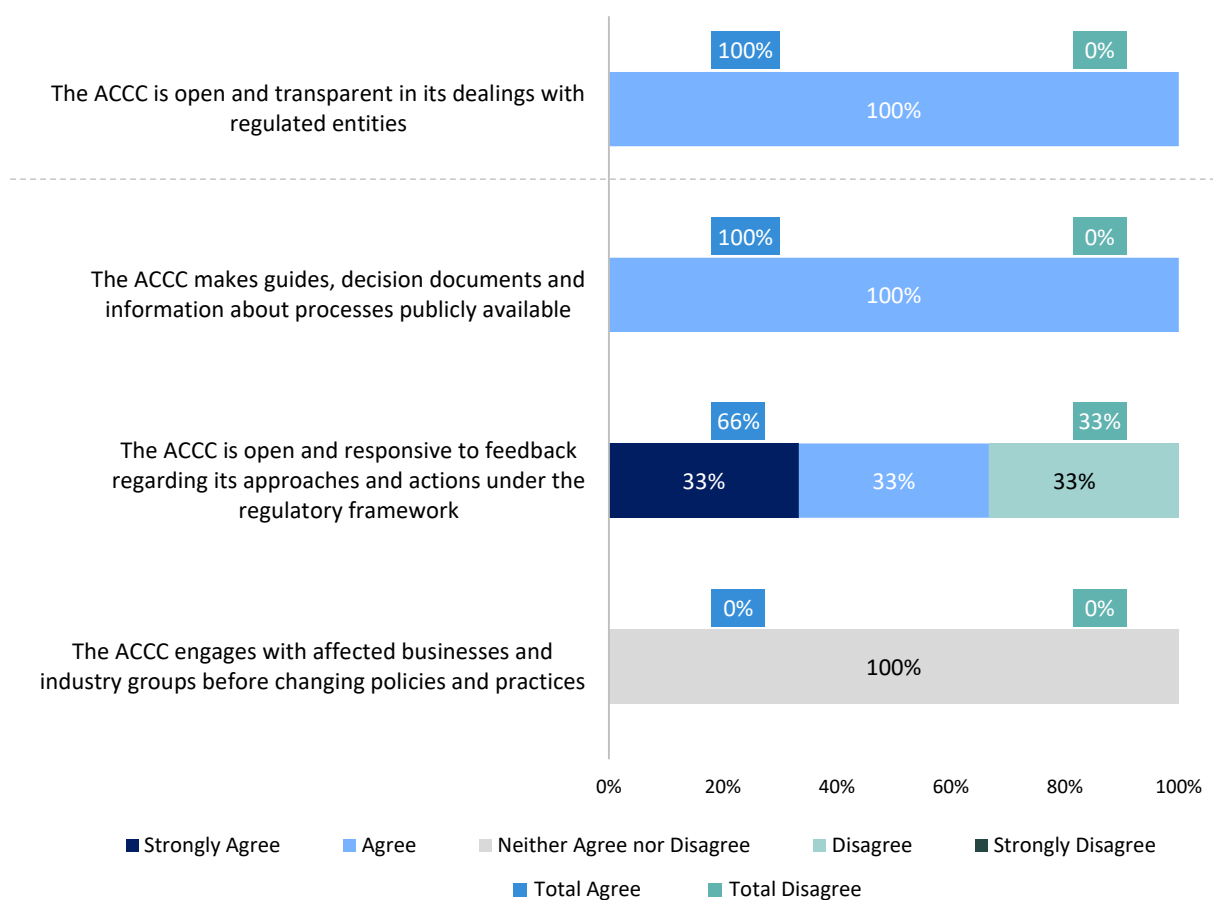
## Regulators are open and transparent in their dealings with regulated entities (KPI 5)

All (n=3) respondents agreed that the ACCC is open and transparent in its dealings with regulated entities.

For the supporting statements, all also agreed that the ACCC makes guides, decisions documents and information about processes publicly available. However, one respondent disagreed that the ACCC is open and responsive to feedback regarding its approaches and actions under the regulatory framework and all respondents felt neutral or unsure about the ACCC’s engagement with affected businesses and industry groups before changing policies and practices.

**Figure 44: Regulators are open and transparent in their dealings with regulated entities (KPI 5)**

(Base: Enforcement respondents, n=2-3)

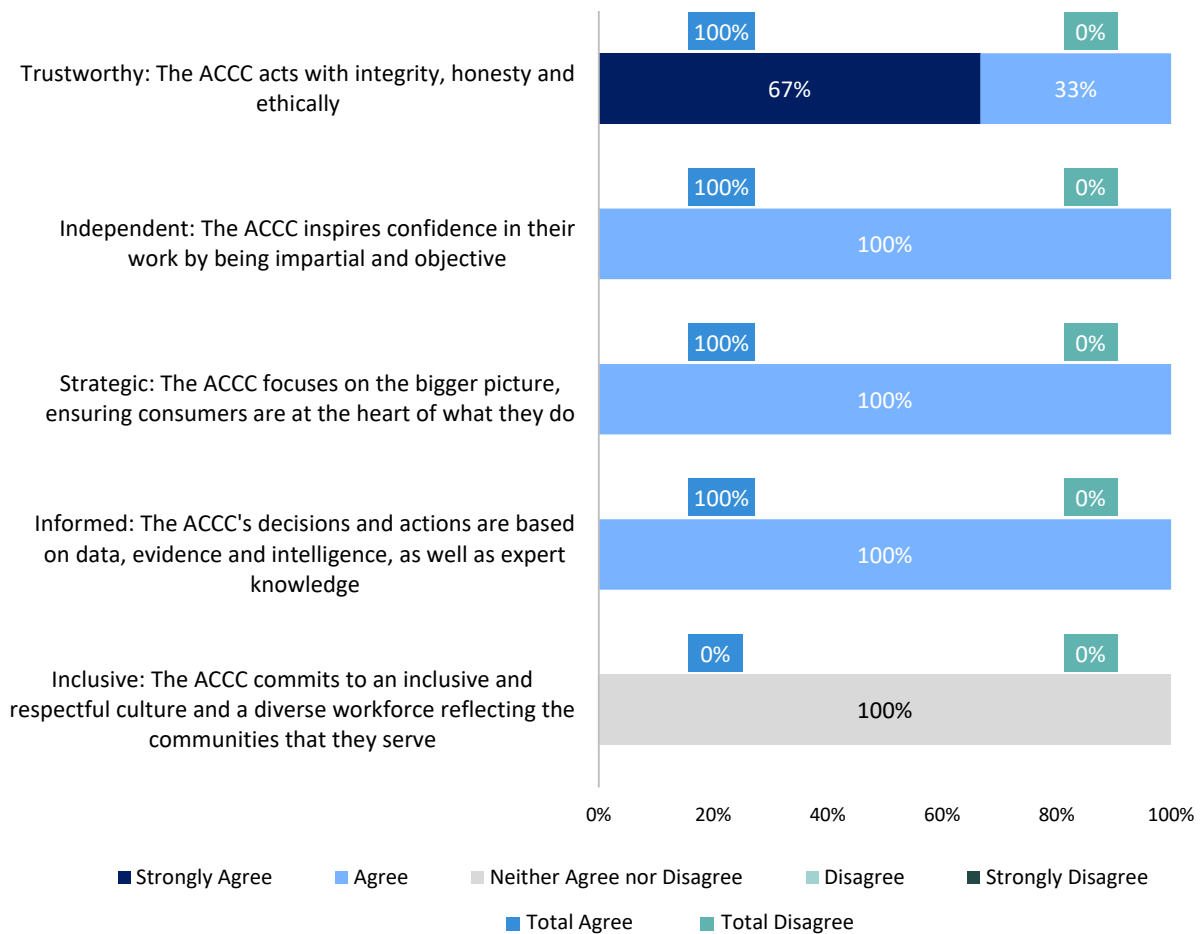


## 7.6 ACCC values

Enforcement respondents agreed that the ACCC demonstrated nearly all of its core values, achieving an overall index score of 75.0ip. In particular, 67% (n=2) ‘strongly agreed’ that the ACCC is trustworthy. However, respondents were uncertain about the ACCC’s ‘inclusivity’, with one respondent feeling neutral and the remainder providing a ‘Don’t know’ response.

**Figure 45: ACCC values**

(Base: Enforcement respondents, n=1-3)

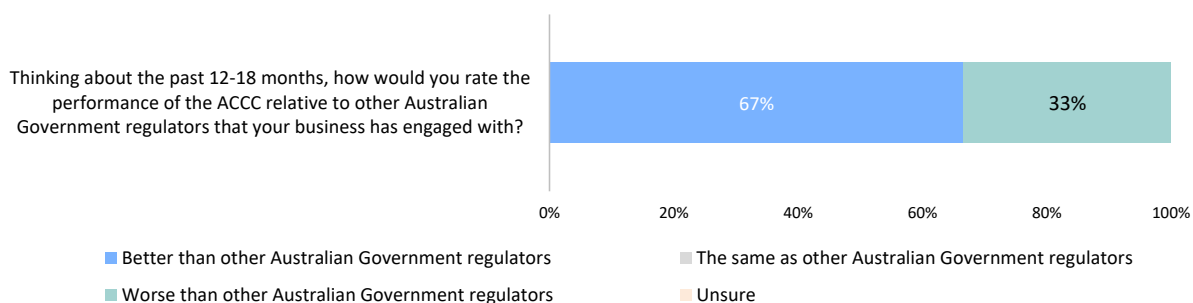


## 7.7 Comparison to other regulators

67% (n=2) of Enforcement respondents felt that the ACCC’s performance was better than other Australian Government regulators, whereas n=1 felt that it was worse.

**Figure 46: Comparison to other regulators**

(Base: Enforcement respondents, n=3)



The two respondents who felt that the ACCC’s performance was better than other Australian Government regulators provided the following comments:

*“ACCC is much more public, transparent than others. Both a reflection on the poor performance of other regulators and positive ACCC conduct.”*

*“Based upon experience with ACCC and other regulators.”*

## 7.8 Feedback on positive performance, and suggestions for improvement

Overall, Enforcement respondents noted various strengths in ACCC’s performance, including being proactive, focusing on continuous improvement, transparency and responsiveness.

*“Proactive and educational for new issues, approaches and emerging risks.”*

*“Continuous improvement in building relationships.”*

*“Transparent and responsive in developing or recommending to government legislative action in response to regulated behaviours.”*

*“They genuinely listened to all we shared. They seemed to genuinely seek to minimise the potential adverse impact of the investigation whilst the issue was under investigation.”*

Two suggestions for improvement were provided:

*“Be more alive to constraints and pressures business may be under when the ACCC seeks information. Be more proportionate in outcomes sought when compared to public impact. Taking action 'on principal' or to define or understand legal position without regard for impact on the business should be avoided.”*

*“Cross-regulator practice - This did not appear, from our perspective, to be as strong as we feel was necessary to genuinely understand the issue being investigated.... Timeliness - It felt like there were long periods between responses to our written submissions which made for the period of uncertainly being longer than we felt necessary. Perhaps the ACCC needs more resources.”*

## 8 Market Studies and Inquiries Findings

### 8.1 About this chapter

This chapter presents the findings for the Market Studies and Inquiries function area of the ACCC. The Market Studies and Inquiries function relates to the ACCC’s use of its legal, economic, investigative and regulatory expertise to conduct in-depth market studies and industry reviews that increase transparency, enhance enforcement capability, and contribute to government policy.

Market studies and inquiries conducted over the past 12 months include: Digital platforms; Gas; Insurance; and Electricity Markets.

Overall 38 out of 264 stakeholders responded to the survey, representing an overall response rate of 14%.

### 8.2 Regulator best practice index scores and KPI summary

Overall, Market Studies and Inquiries respondents held neutral to moderately positive views of ACCC’s performance against each of the three principles of regulator best practice. Respondents reported more favourable perceptions of Principle 1: Continuous improvement and building trust, as well as Principle 3: Collaboration and engagement. Ratings recorded for Principle 2: Risk-based and data driven were lower.

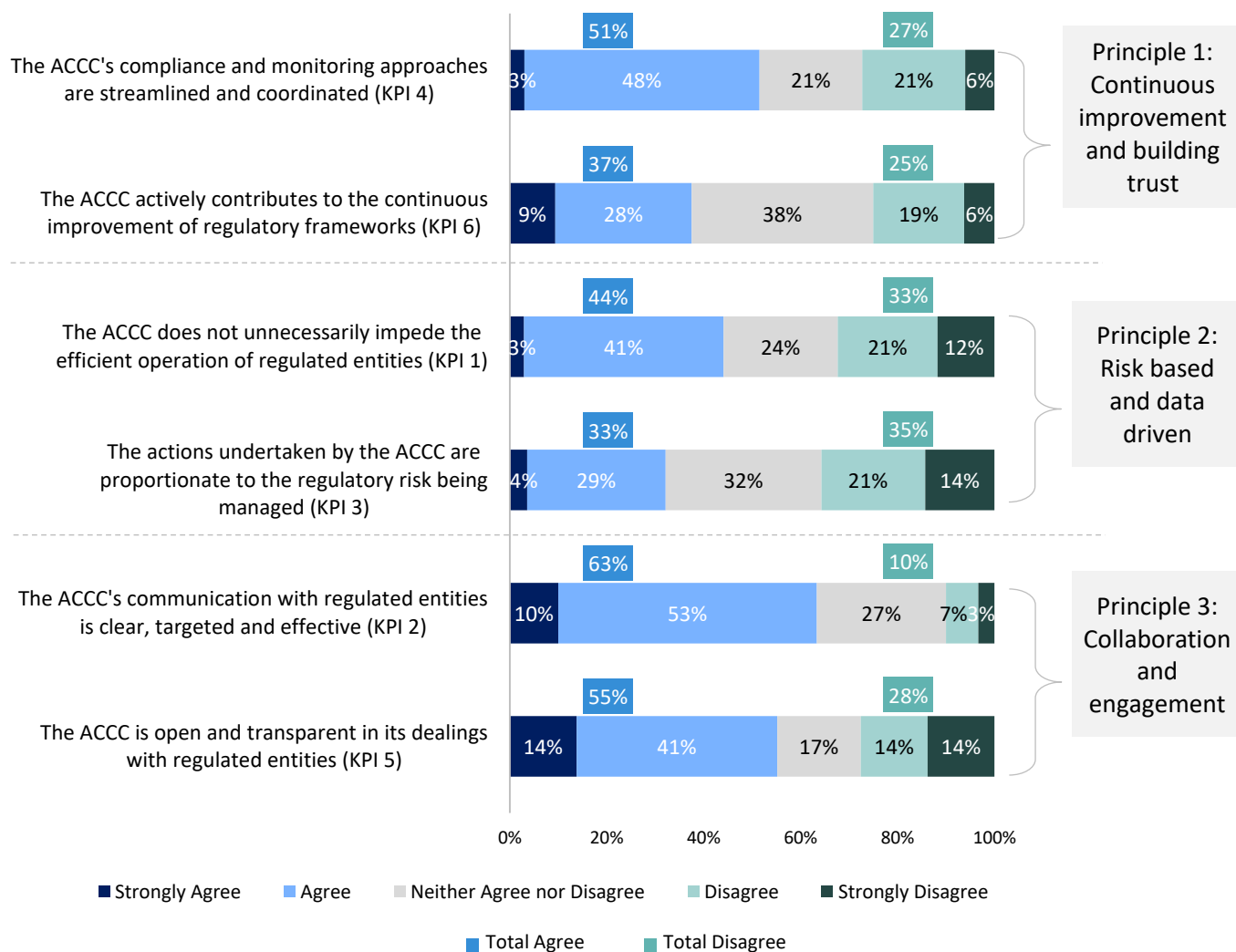
33%-63% of Market Studies and Inquiries respondents agreed with each of the KPI statements (see Figure 47 overleaf).

**Table 14: Achieving regulator best practice index score**  
(Base: Market Studies and Inquiries respondents, n=31-34)

Composite index scores across the three principles of regulatory best practice (0-100ip)	
Principle 1: Continuous improvement and building trust	55.1ip
Principle 2: Risk based and data driven	49.3ip
Principle 3: Collaboration and engagement	60.1ip

**Figure 47: KPI summary**

(Base: Market Studies and Inquiries respondents, n=28-34)



### 8.3 RPG 1: Continuous improvement and building trust

#### ***Compliance and monitoring approaches are streamlined and coordinated (KPI 4)***

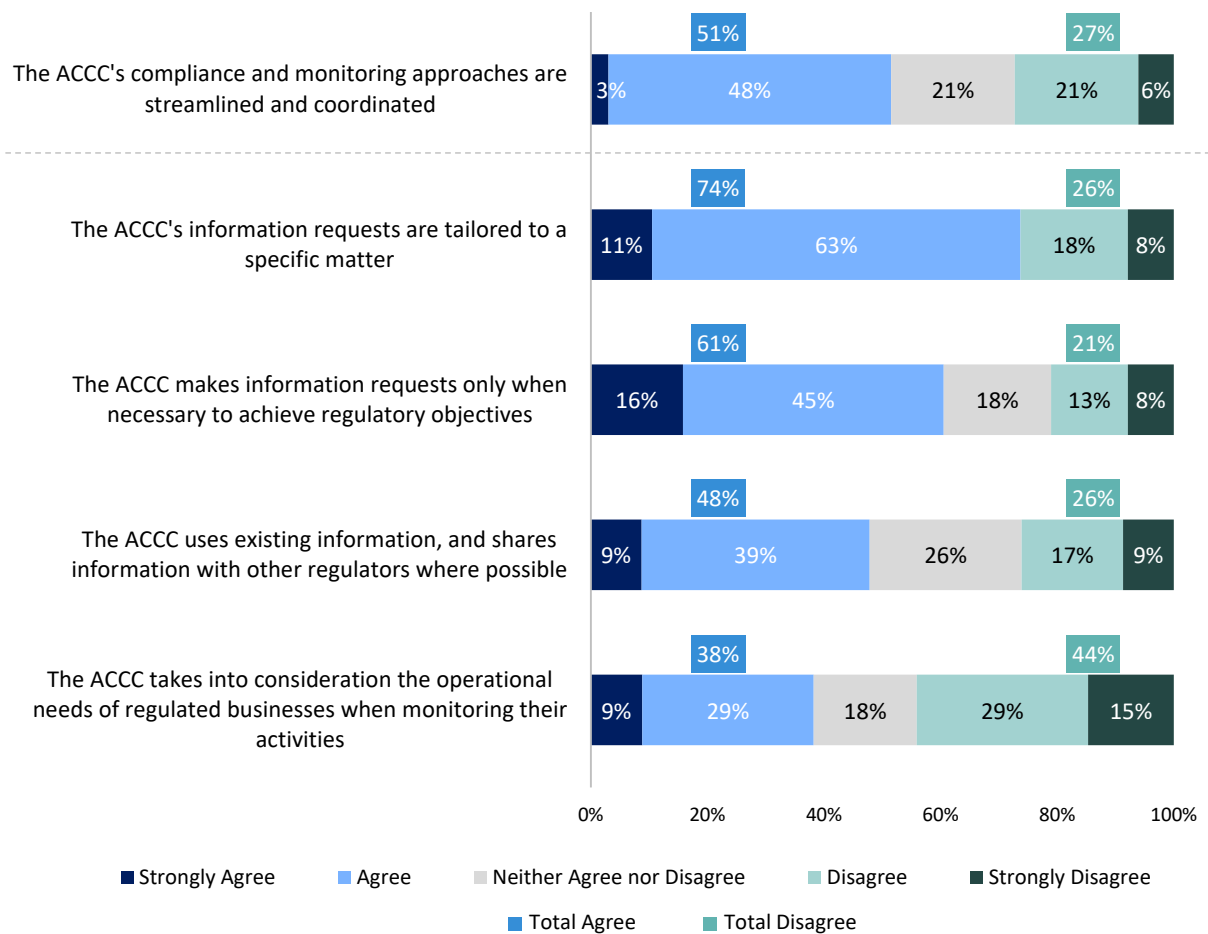
Over half (51%) of respondents agreed that the ACCC’s compliance and monitoring approaches are streamlined and coordinated.

Agreement levels for supporting statements varied considerably (38%-74%). While respondents felt very positive about the tailoring of ACCC’s information requests (74%), they were much less likely to agree that the ACCC takes into consideration the operational needs of regulated businesses when monitoring their activities (38% agreed and 44% disagreed).



**Figure 48: Compliance and monitoring approaches are streamlined and coordinated (KPI 4)**

(Base: Market Studies and Inquiries respondents, n=23-38)



#### Open-ended feedback for KPI 4

n=29 Market Studies and Inquiries respondents provided a comment relating to the ACCC's compliance and monitoring approaches.

##### *Positive feedback:*

Some respondents noted that requests from the ACCC were streamlined, transparent and clear.

*"The ACCC's compliance and monitoring approaches are transparent and its expectations are clear."*

*"Information requests are usually very precise, which ensures that we are able to provide the information requested."*

*"Process is usually well organised."*

##### *Opportunities for improvement/ Areas of concern:*

However, some respondents had concerns about excessive/unclear information requests and burdensome data requirements from the ACCC.

*"The ACCC requests a lot of confidential information and data but it is never clear whether on how they use it, or weigh that against other evidence (whether public or confidential). There is far more information requested from us than what ends up in the ACCC report, and in fact frequently information does not end up in the ACCC report."*

*"The governance requirements for businesses in Australia are extensive and appear to fail to consider the impact on resources within companies who are struggling to focus reducing margins into future sustainability."*

*"The compliance and monitoring in the sector I know (energy) is cumbersome at times, very frequent and often followed up with a correction."*

*"Some requests from the ACCC were very onerous, and coincided with similar requests from other electricity regulators. However, the electricity markets team were great to engage with."*

*"We have the impression that new monitoring staff and consultants do not have the benefit of the ACCC corporate industry knowledge and industry is left to undertake the education of those staff and consultants."*

*"The insurance inquiries and new Insurance Monitoring Division had ACCC people (and still do) with little or no insurance knowledge."*

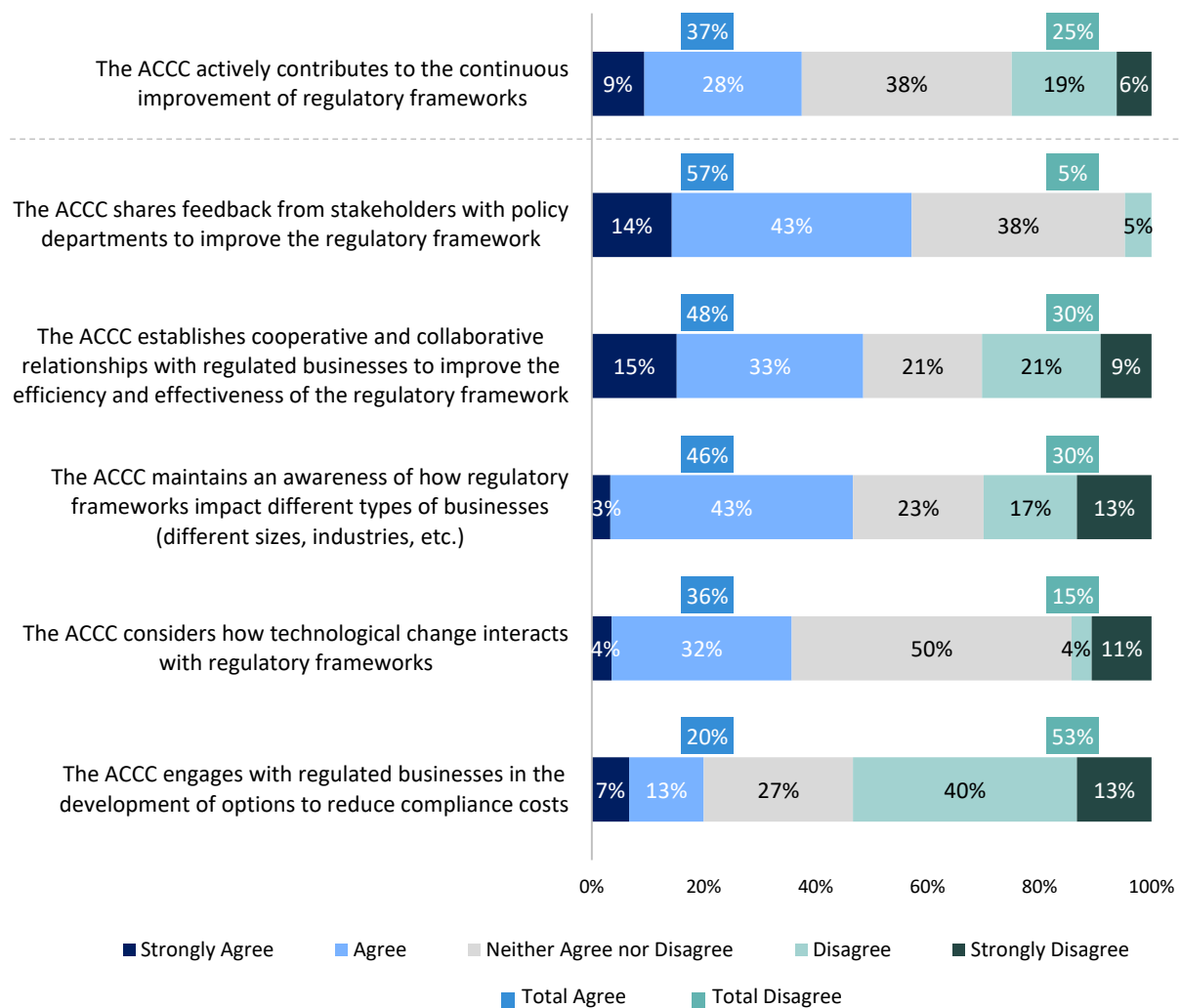
## Regulators actively contribute to the continuous improvement of regulatory frameworks (KPI 6)

37% of Market Studies and Inquiries respondents agreed that the ACCC actively contributes to the continuous improvement of regulatory frameworks, while a quarter (25%) disagreed.

Respondents were most positive about the ACCC’s sharing of feedback to stakeholders. In contrast, respondents were least likely to agree the ACCC sufficiently engages with regulated businesses in the development of options to reduce compliance costs.

**Figure 49: Regulators actively contribute to the continuous improvement of regulatory frameworks (KPI 6)**

(Base: Market Studies and Inquiries respondents, n=21-33)



## Open-ended feedback for KPI 6

n=29 Market Studies and Inquiries respondents provided a comment relating to ACCC's contribution to the continuous improvement of regulatory frameworks.

### *Positive feedback:*

A few respondents appreciated the ACCC's involvement in certain industries and efforts to seek feedback.

*"In my experience the ACCC is always looking for improvements that benefit the consumer but also do not add unnecessary burden on the retailer."*

*"The ACCC have been heavily involved in the Mandatory Code of Conduct for the gas industry, seeking feedback from key stakeholders."*

### *Opportunities for improvement/ Areas of concern:*

However, concerns were raised about the effectiveness of recommendations and advice, limited collaboration and perceived biases.

*"While our relationship with the ACCC is cooperative, the relationship is not meaningful or collaborative. The ACCC does not engage meaningfully with the information we provide them about our business and services."*

*"ACCC has rarely removed redundant regulatory instruments of reporting obligations. In many occasions, info sought in regulatory processes and reporting could be obtained from public sources."*

*"We have tried to engage with ACCC through its [inquiry]. We have found ACCC's posture to be blatantly biased in favour of one viewpoint based on no evidence, and have also found ACCC unwilling to engage on our viewpoints about the [impact on regulated entities]."*

*"The ACCC advice at times seems to be 'off the mark' and very bureaucratic."*

*"The recommendations they've arrived at in their public reports have not been particularly impactful."*

*"The ACCC has an agenda and makes suggestions/'improvements' based on that agenda...not necessarily on what will improve the market."*

*"The regulatory framework for the gas industry has become complex, inefficient and burdensome, and for no apparent improvement from the business-entity perspective."*

*"Sometimes feels to us like there is too much intervention in the regulatory process by the Commission and would like to see greater consideration of the interests of the regulated business so that services being delivering can be optimised. We would like to see the new Commission make a difference here."*

## 8.4 RPG 2: Risk based and data driven

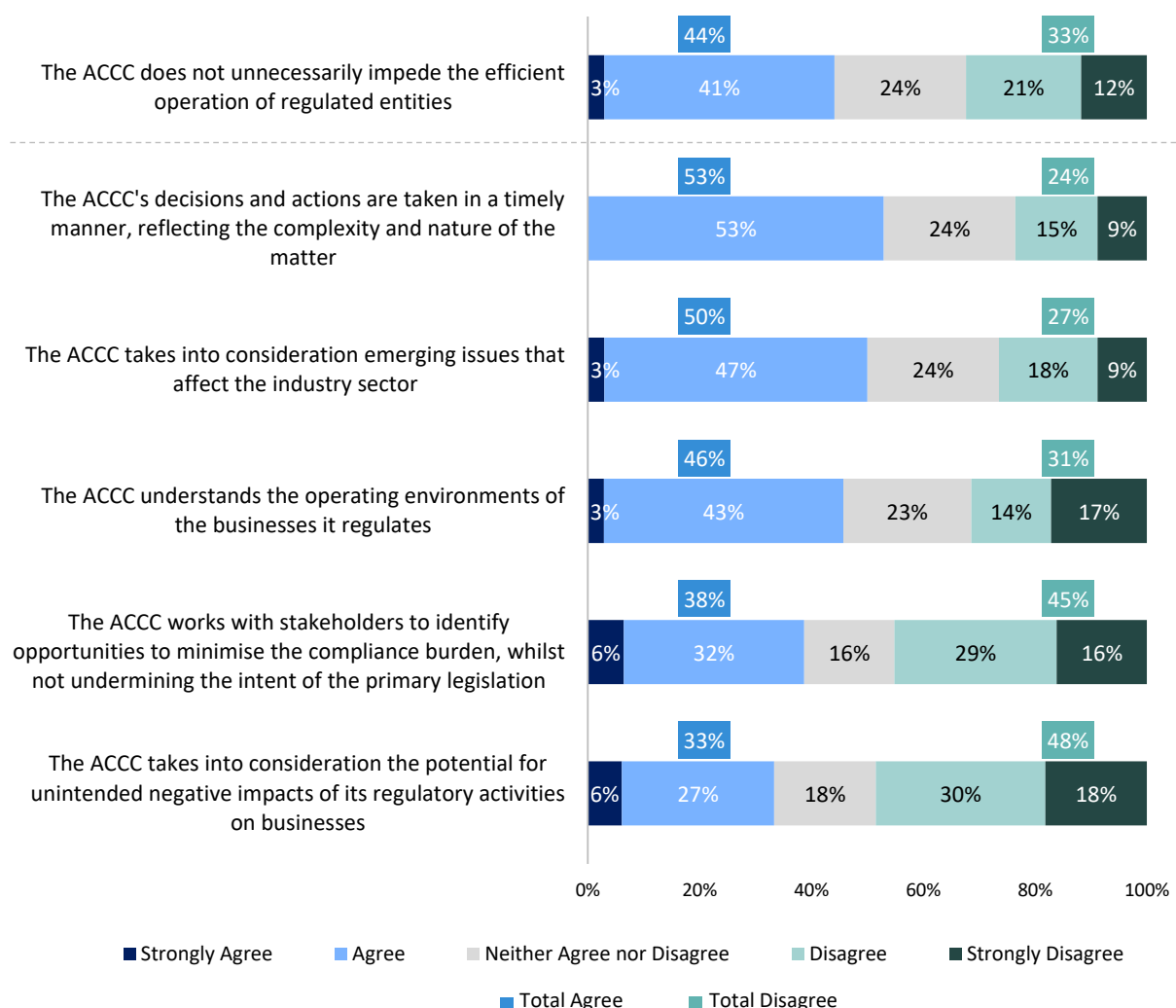
### ***Regulators do not unnecessarily impede the efficient operation of regulated entities (KPI 1)***

Overall, 44% of Market Studies and Inquiries respondents agreed that the ACCC does not unnecessarily impede the efficient operation of regulated entities, while one third (33%) disagreed.

Of the supporting statements, respondents were least positive regarding the ACCC working with stakeholders to minimise compliance burdens and considering the potential for unintended negative impacts of its regulatory activities. Both of these statements received notable levels of disagreement (45% and 48% disagreed, respectively).

**Figure 50: Regulators do not unnecessarily impede the efficient operation of regulated entities (KPI 1)**

(Base: Market Studies and Inquiries respondents, n=31-35)



## Open-ended feedback for KPI 1

n=23 Market Studies and Inquiries respondents provided a comment regarding whether the ACCC unnecessarily impedes the efficient operation of regulated entities.

### *Positive feedback:*

A few respondents acknowledged the ACCC's efforts to strike a balance between regulation and burden.

*"In general, the ACCC has supported the balance of regulation with the burden it imposes. They were responsive to our concerns about excessive burden."*

*"The ACCC strives to ensure that all changes and improvements implemented do not add unnecessary burden to what already can be a time consuming industry."*

### *Opportunities for improvement/ Areas of concern:*

However, multiple concerns were raised regarding burdensome compliance processes. Various suggestions for improvement were made, including streamlining information requests, ensuring timely assessments and taking into account feedback from stakeholders.

*"Information requests that are onerous in both scope and timeframe. Some reciprocity is appropriate, ACCC should complete their assessments in a timely fashion or give respondents similar time to respond as the ACCC itself takes."*

*"... often appropriate time is not taken to understand the industry and how its participants actually operate, and therefore the impact of requests on business as usual operations/ staff - this leads to insufficient time being given to comply with notices."*

*"Several times when we comment about suggested statements that the ACCC plans on releasing, the comments are usually not taken into account."*

*"At every step of its digital platforms inquiry, ACCC has ignored business realities, impacts on small businesses, and the negative public policy impacts of its proposals, and voluminous amounts of evidence, so that it can justify its proposed interventions into the digital economy."*

*"The ACCC in the sector I know is seeking to impose constraints which could be inconsistent with the market and thus negatively impact long term energy supply. Put another way - the market and market forces have a way of sorting out when to supply and when to hold back. Imposing barriers constrains the influence of market forces."*

*"Regulatory burden is increasing and this does not appear to be factored into ACCC decision making."*

*"The ACCC does not demonstrate any interest or concern as to whether the efficient operation of the regulated entities are impacted or not."*

*"Compliance with the ACCC's market inquiry process as a company central to that process is burdensome. We get little to no meaningful engagement from them on information that we do provide, so do not think that our efforts have any meaningful impact."*

*"ACCC could make better use of public information to minimise compliance costs and requirements on regulated industries."*

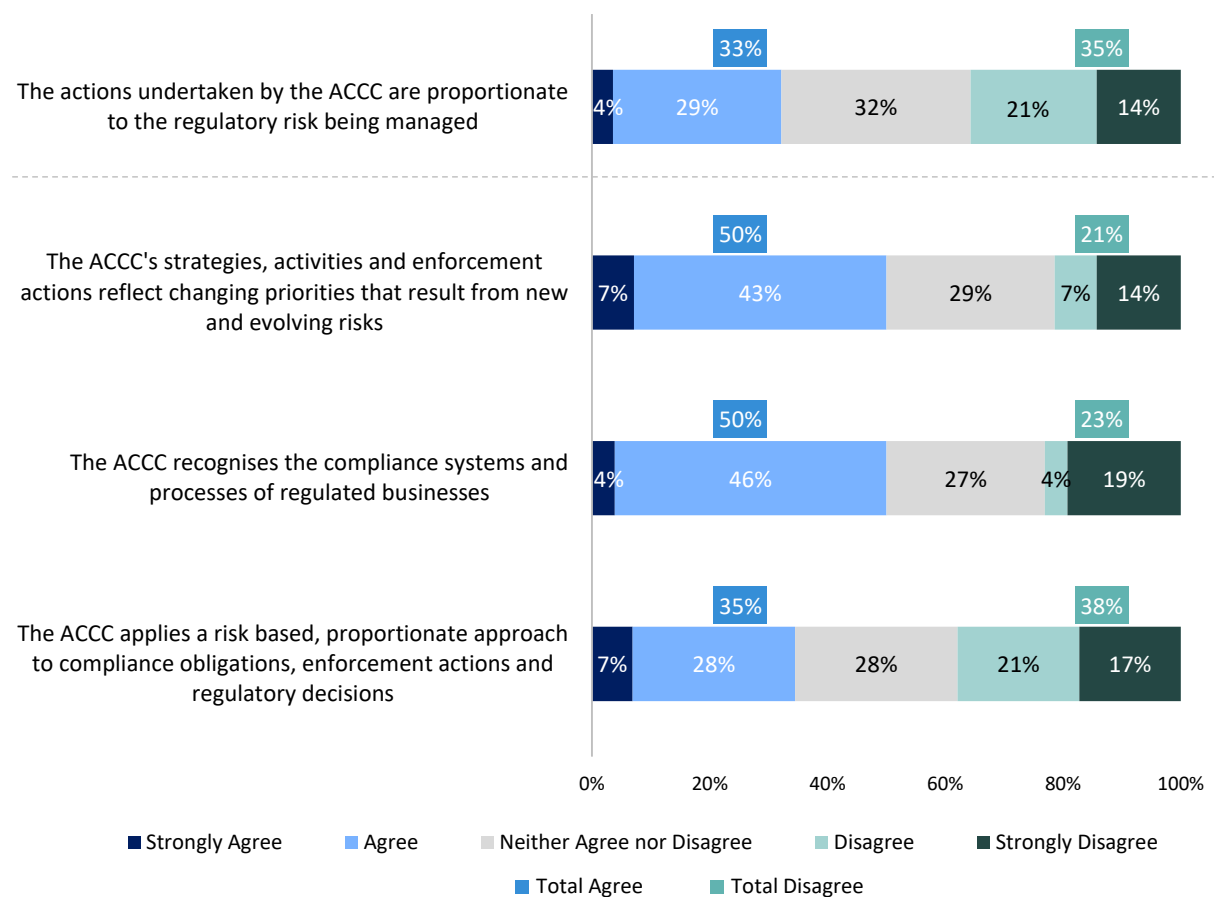
### ***Actions undertaken by regulators are proportionate to the regulatory risk being managed (KPI 3)***

Only one third of (33%) of respondents agreed that the actions undertaken by the ACCC are proportionate to the regulatory risk being managed while 35% disagreed.

Half (50%) of respondents agreed the ACCC’s strategies, activities and enforcement actions reflect changing priorities and that they recognise the compliance systems and processes of regulated businesses. However, a lower proportion felt that the ACCC applies a risk based, proportionate approach to compliance obligations, enforcement actions and regulatory decisions (35%), with 38% disagreeing with this statement.

**Figure 51: Actions undertaken by regulators are proportionate to the regulatory risk being managed (KPI 3)**

(Base: Market Studies and Inquiries respondents, n=26-29)



### Open-ended feedback for KPI 3

n=16 Market Studies and Inquiries respondents provided a comment relating to whether actions undertaken by the ACCC are proportionate to the regulatory risk being managed.

#### *Positive feedback:*

Two respondents noted that the ACCC's actions are proportionate and relevant.

*"The ACCC's actions are always proportionate to the regulatory risk being managed."*

*"The requests for information, while detailed, have been relevant to the role assigned."*

#### *Opportunities for improvement/ Areas of concern:*

Most others expressed various concerns, including about 'heavy-handedness' and lack of alignment with risk.

*"ACCC is heavy handed and exposes itself to a perception of political motivations based on the areas it chooses to interrogate and those which it is lighter touch."*

*"Often the overall regulatory risk in the energy industry is misunderstood by regulators, leading to a heavier hand where a lighter touch would have been sufficient."*

*"There is far too much focus on just price and the supply-demand balance. Contract terms have a significant bearing on price and risk and the ACCC has not moved into this level of understanding."*

*"The risk of managing the insurance crisis is not apparent in the choice of people who are managing it. Many people are concerned their effectiveness will be influenced by their lack of industry knowledge."*

*"Regulators take a disproportionate approach to managing the risks, with their focus on enforcement and penalty of upstream gas producers and a completely unequal approach to midstream and downstream entities."*

*"I don't think the challenges of the wineries were necessarily fully understood or contemplated in the study."*

*"ACCC has elected not to align its digital platform competition proposals with the most basic concepts of proportionality, and continues to propose to interject itself into the operation of software distribution platforms without justification to impose one-size-fits-all mandates."*

*"The ACCC's public discourse about findings in its inquiry often precedes the actual inquiries which suggests they are pre-determining and driving at specific outcomes irrespective of the specific regulatory risk being managed."*



## 8.5 RPG 3: Collaboration and engagement

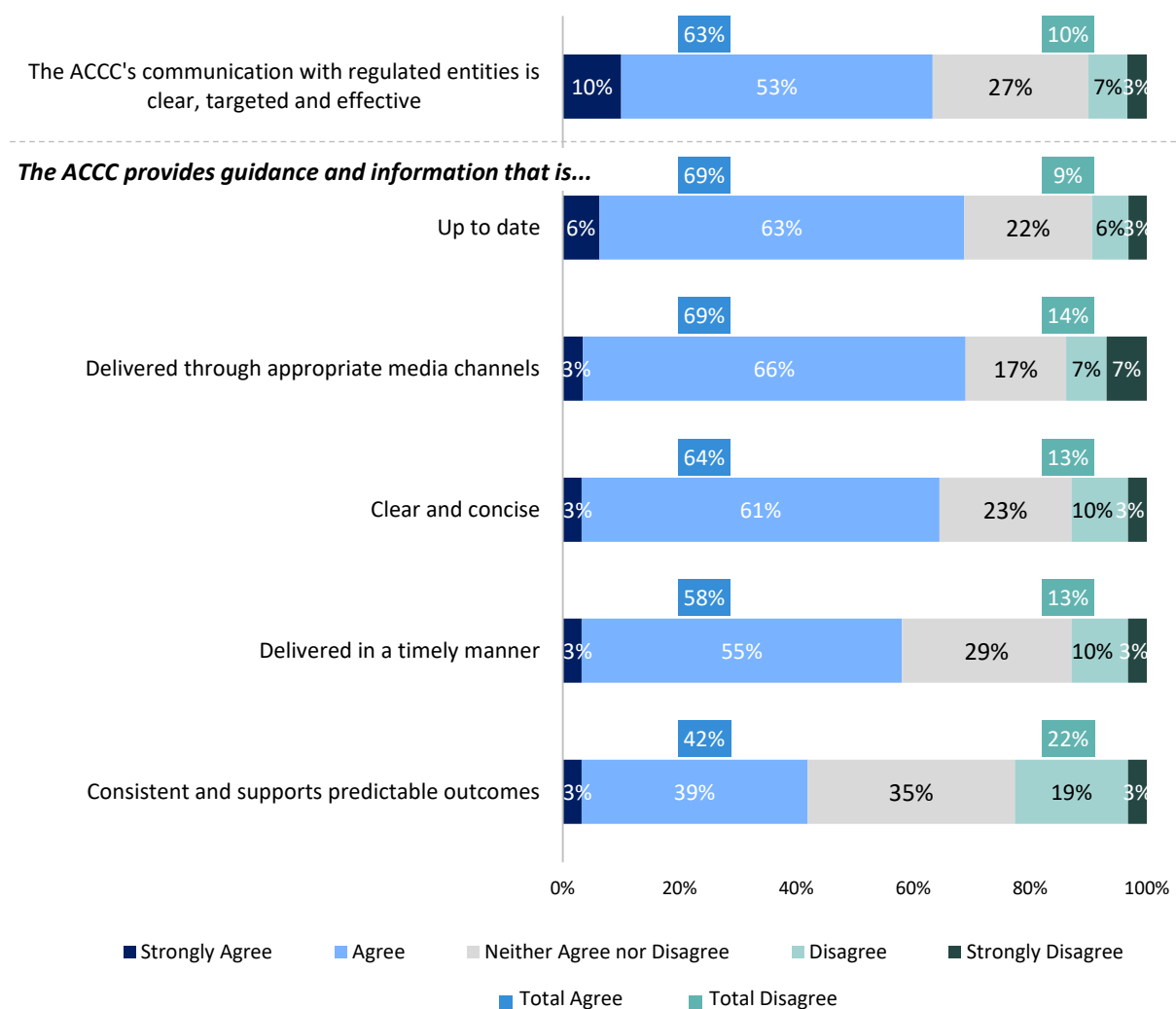
### Communication with regulated entities is clear, targeted and effective (KPI 2)

Market Studies and Inquiries respondents were more positive in relation to KPI 2 compared to other KPIs. Over three fifths (63%) of respondents agreed that the ACCC’s communication with regulated entities is clear, targeted and effective, while only one in ten (10%) disagreed.

Respondents were particularly positive about the ACCC providing guidance and information that is up to date and delivered through appropriate media channels (both 69%). Perceptions regarding the information being consistent and supporting predictable outcomes was comparatively lower (42% agreed).

**Figure 52: Communication with regulated entities is clear, targeted and effective (KPI 2)**

(Base: Market Studies and Inquiries respondents, n=29-32)



## Open-ended feedback for KPI 2

n=15 Market Studies and Inquiries respondents provided a comment relating to the ACCC's communications.

### *Positive feedback:*

Some respondents noted that communications and dealings with the ACCC were clear and helpful.

*"Every dealing I have had with the ACCC has been very clear with no question as to what the topic of the communication has been."*

*"Communication is clear in terms of the process and outcome of the market study."*

*"The guidelines that the ACCC produces are very helpful and assist us to adhere with regulations."*

### *Opportunities for improvement/ Areas of concern:*

On the other hand, some others had less positive perceptions about the effectiveness of the communications.

*"We believe that the Commission is clear and targeted, but may not always be effective. We appreciate this is a key challenge and are confident the new Commission will make good progress here."*

*"It is hard to judge the communication with regulated entities. In our case I would say it is targeted but not effective."*

*"The ACCC is not transparent about its thinking or its engagement with information provided by entities the subject of its inquiries. It frequently makes public statements about its views ahead of completing inquiries on the subject matter which is not due process."*

*"Regulators are not interested in clear and effective communication or consultation with upstream gas entities. All communications are, however, very targeted."*

*"There are sometimes lags in what they are asking for from businesses and what the market demands..."*

*"More specific guidelines would be very helpful, even if they are just the ACCC's opinion of how the law would apply."*

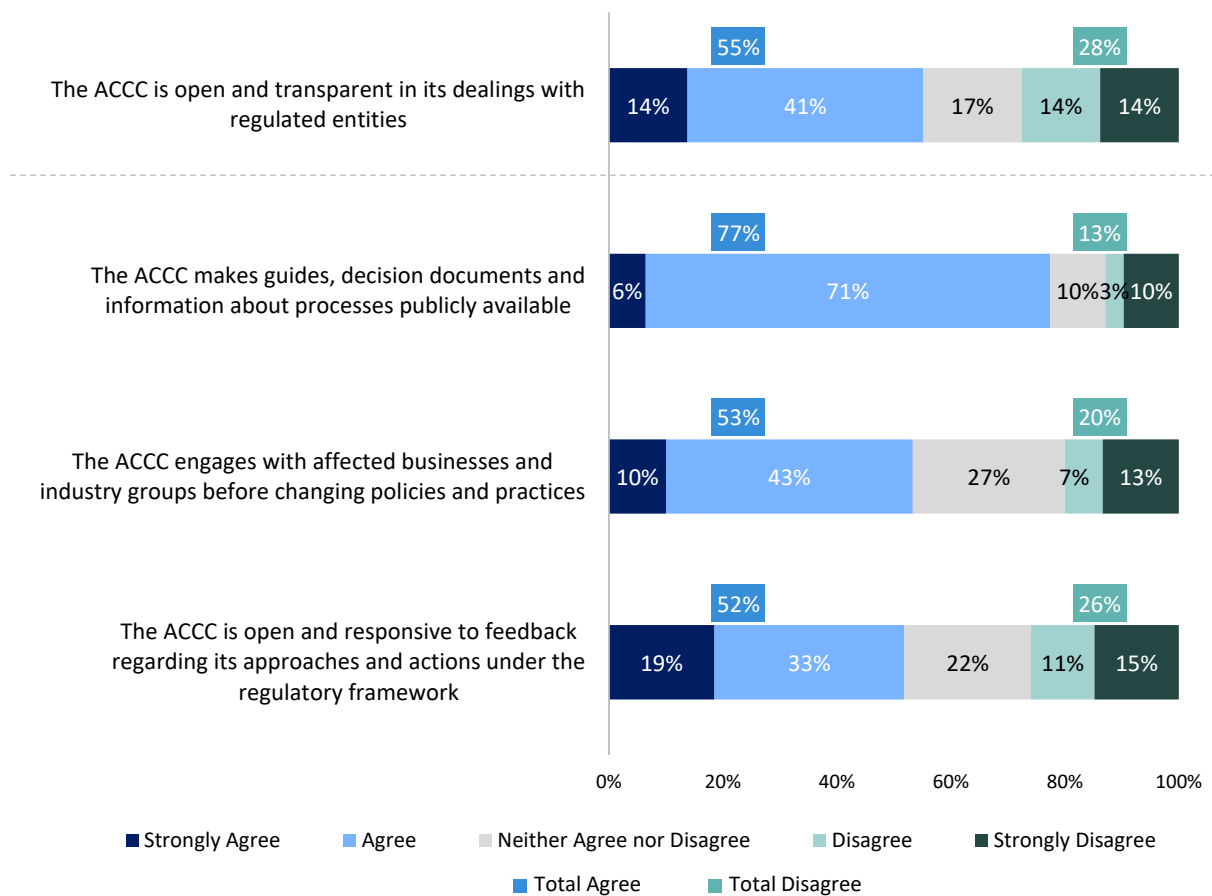
## Regulators are open and transparent in their dealings with regulated entities (KPI 5)

Over half (55%) of Market Studies and Inquiries respondents agreed that the ACCC is open and transparent in its dealings with regulated entities, while around one in three (28%) disagreed.

The large majority of respondents agreed that the ACCC makes guides, decision documents, and information about processes publicly available (77%), while around half agreed that it engages with affected business and industry groups before changing policies and practices (53%) and that it is open and responsive to feedback (52%).

**Figure 53: Regulators are open and transparent in their dealings with regulated entities (KPI 5)**

(Base: Market Studies and Inquiries respondents, n=27-31)



### Open-ended feedback for KPI 5

n=16 Market Studies and Inquiries respondents provided open-ended feedback regarding whether the ACCC is open and transparent in its dealings with regulated entities.

#### *Positive feedback:*

Around half of comments were positive, with respondents noting that their engagement with the ACCC was clear, open and transparent.

*“There is a clear effort made to be open and transparent.”*

*“The process and outcomes are open and transparent.”*

*“We have had good engagement with the ACCC teams working in electricity and have appreciated their engagement.”*

#### *Opportunities for improvement/ Areas of concern:*

Others suggested a need for greater overall transparency and improved consultation with regulated entities.

*“There is opportunity to more greatly show transparency in ACCC workings.”*

*“Consumers and businesses have no idea what information is being provided by insurance companies, the questions the ACCC are asking, the data requested. AND no data provided has been crossed checked against actual invoices, which is dangerous.”*

*“ACCC has routinely refused to meet with our community while acknowledging that we are affected businesses.”*

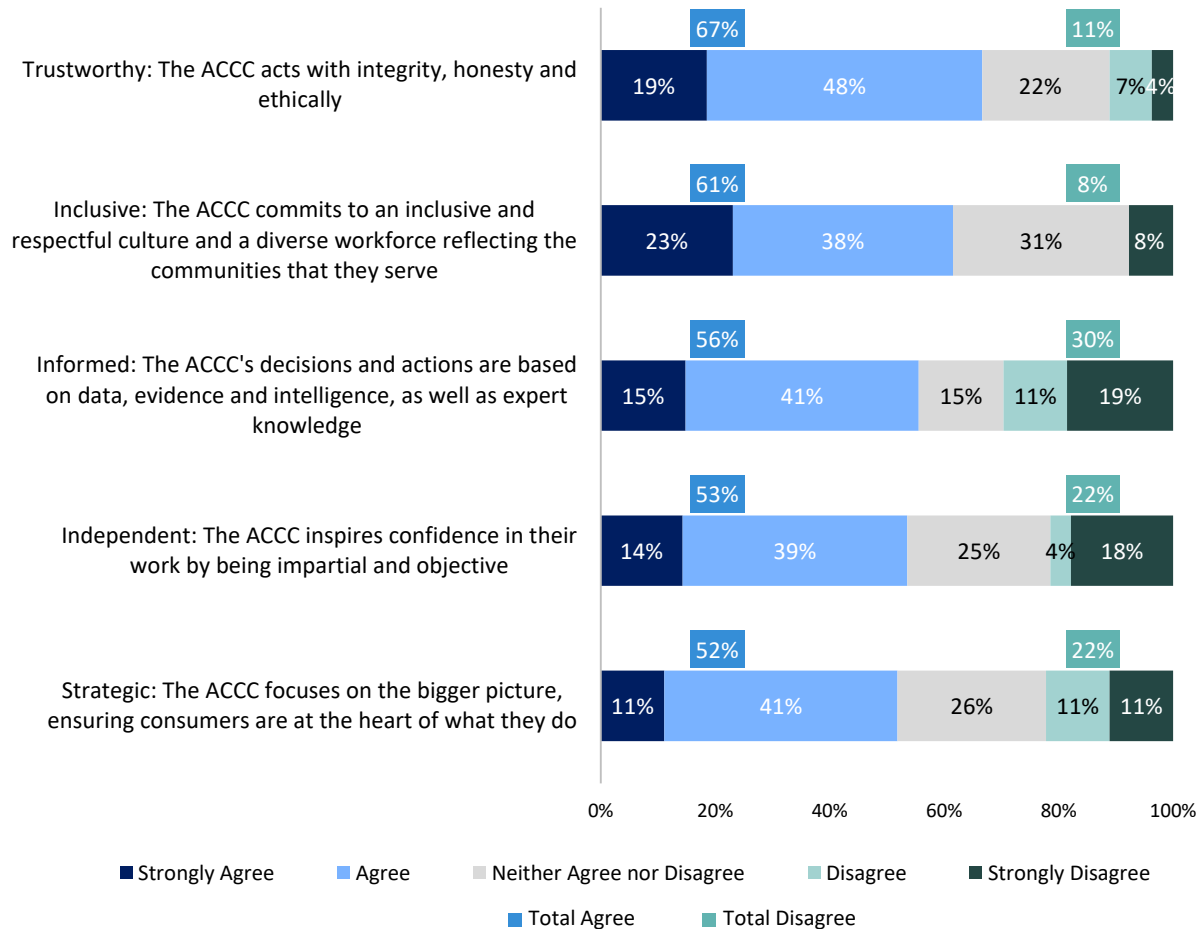
*“Engagement with the ACCC about confidential company information is increasingly difficult and despite its centrality to issues being examined through an inquiry process, is never accounted for. Even in a public inquiry process where transparency is a requirement, there is a way of engaging with confidential information, for example, as the CMA does in its market study processes.”*

## 8.6 ACCC values

Perceptions of the ACCC demonstrating its core values were favourable, although ratings recorded were slightly lower than respondents from other function areas (60.2ip index score recorded, compared to 65.2ip-78.3ip in other function areas). Market Studies and Inquiries respondents were most positive about ACCC’s trustworthiness (67% agreed), while perceptions of the ACCC being independent (53%) and strategic (52%) were less positive.

**Figure 54: ACCC values**

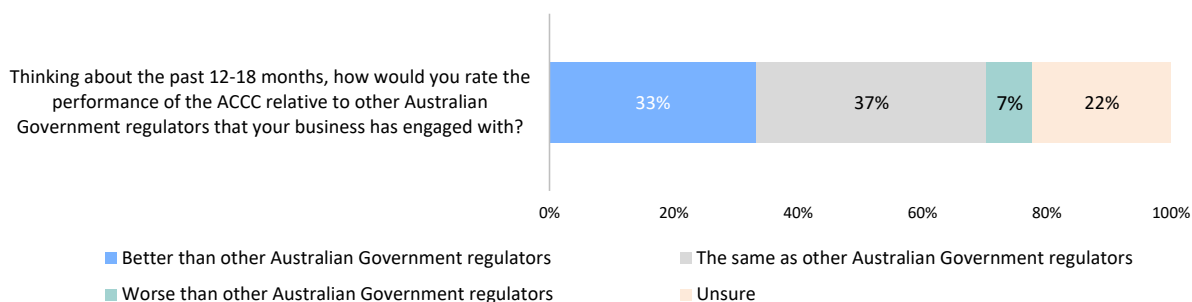
(Base: Market Studies and Inquiries respondents, n=13-28)



## 8.7 Comparison to other regulators – Market Studies and Inquiries

One third (33%) of respondents felt that the ACCC’s performance was better than other Australian Government regulators and only a small minority (7%) felt that the ACCC was worse. The majority of respondents perceived the ACCC and other regulators to be on par (37%), or were unsure of any differences (22%).

**Figure 55: Comparison to other regulators**  
(Base: Market Studies and Inquiries respondents, n=27)



Respondents who felt that the ACCC’s performance was better than other Australian Government regulators valued the ACCC’s positive and knowledgeable approach, praising its open-mindedness and effectiveness compared to other regulators in the Market Studies and Inquiries area.

*“Experience has been positive and find team open to ideas and willing to work to find best solution.”*

*“I have found my experience dealing with the ACCC easy and knowledgeable to work with.”*

*“ACCC have been more pragmatic and outcomes focussed than other regulators who tend more to the prescriptive without considering the usefulness of the information sought.”*

*“ACCC is head and shoulders above other enforcement regulators who seem to be asleep at the wheel at the moment.”*

*“The ACCC’s experience in market studies and related work shows in how it approaches those inquiries.”*

*“The federal government is not strong enough to stand up to the gas producers and the foreign governments that are allowing exploitation and extortion of Australians and Australian businesses. Without the ACCC’s reporting and gas inquiry, even the much delayed gas price cap and other steps announced before Christmas last year would not have taken place.”*

The n=2 respondents who felt that the ACCC is worse than other Australian Government regulators provided the following comments:

*“We work with other regulators in Australia. While other regulators have more narrowly focussed domains or are at different stages of engagement on regulatory frameworks, other regulators are more pragmatic and transparent when engaging with information that we can and do provide.”*

*“For the reasons provided above, ACCC does not appear to advance the core values stated above.”*

## 8.8 Feedback on key strengths and suggestions for improvement

Market Studies and Inquiries respondents highlighted several key aspects in which the ACCC was performing well, including its open and flexible engagement, professionalism, collaboration and data-driven approach. Respondents also made suggestions for improvement such as better engagement and information sharing, understanding industries comprehensively, avoiding unnecessary requests, coordinating with other regulators, and providing more detailed guidelines.

### Specific aspects of performance that ACCC does well (n=18):

*"The team we have engaged with have been open, flexible around timing and have been willing to listen and understand how our business operates in the market and how that may be different to our competitors."*

*"Excellent. ACCC staff are helpful and professional in all their dealings with us."*

*"Collaboration and engagement. I have found responding to ACCC requests and updates pragmatic and balanced to achieve end goals. ACCC staff were willing to listen to issues and if possible revise requests to provide data in more manageable formats."*

*"ACCC considers its inquiry obligations carefully and develops detailed plans."*

*"Collaboration and engagement"*

*"The ACCC is getting better at asking for the relevant data and their analysis."*

*"The resources applied to the study seemed to be generous and time to research and understand the complaint reasonable."*

*"Communication, having resources available, auditing and working with retailers."*

*"Staff are always keen to engage and responsive to a request to engage. Staff seem to be genuinely interested in the areas they are regulating. Staff are the ACCC's key assets."*

### Suggestions for improvement (n=16):

*"Better engagement with companies on a bilateral basis and with confidential company information through their public market inquiry process."*

*"We believe there is always space for more collaboration and talking to stakeholders."*

*"Set up better systems to ensure ACCC wide knowledge of industries and issues is shared with market studies staff and consultants, with a view to a better understanding of operational systems."*

*"The ACCC needs to better understand regulated markets better and ensure it at least appears even handed in its application of law in all sectors."*

*"Better feedback and transparency on regulatory decision making."*

*"Take a more collaborative approach. By this I mean meeting with companies to understand situations before bursting into analysis and print."*

*"Greater consideration of how to make information collected publicly available - to both better inform policy discussion and also prevent the same information having to be collected separately."*

*"More detailed guidelines would be helpful."*

## 9 Consumer Data Right Findings

### 9.1 About this chapter

This chapter presents the findings for the Consumer Data Right function area of the ACCC. The Consumer Data Right (CDR) function relates to the ACCC’s range of activities contributing to the operation of the CDR program. This includes delivering the enabling technology solutions, supporting participants with testing and on-boarding, accreditation of data recipients, and promoting compliance with and enforcement of the rules and standards.

Overall 20 out of 109 stakeholders responded to the survey, representing an overall response rate of 18%.

### 9.2 Regulator best practice index scores and KPI summary

Consumer Data Right respondents recorded largely neutral ratings on balance across each of the three principles of regulator best practice. Ratings achieved for Principle 1: Continuous improvement and building trust were higher compared to Principle 2: Risk based and data driven and Principle 3: Collaboration and Engagement. Additionally, ratings recorded for Principle 3 among Consumer Data right respondents were notably lower compared to ratings for Principle 3 reported by respondents from other function areas (52.8ip, compared to 60.1ip-75.0ip in other function areas).

34%-59% agreed with each of the KPI statements (see Figure 56 below).

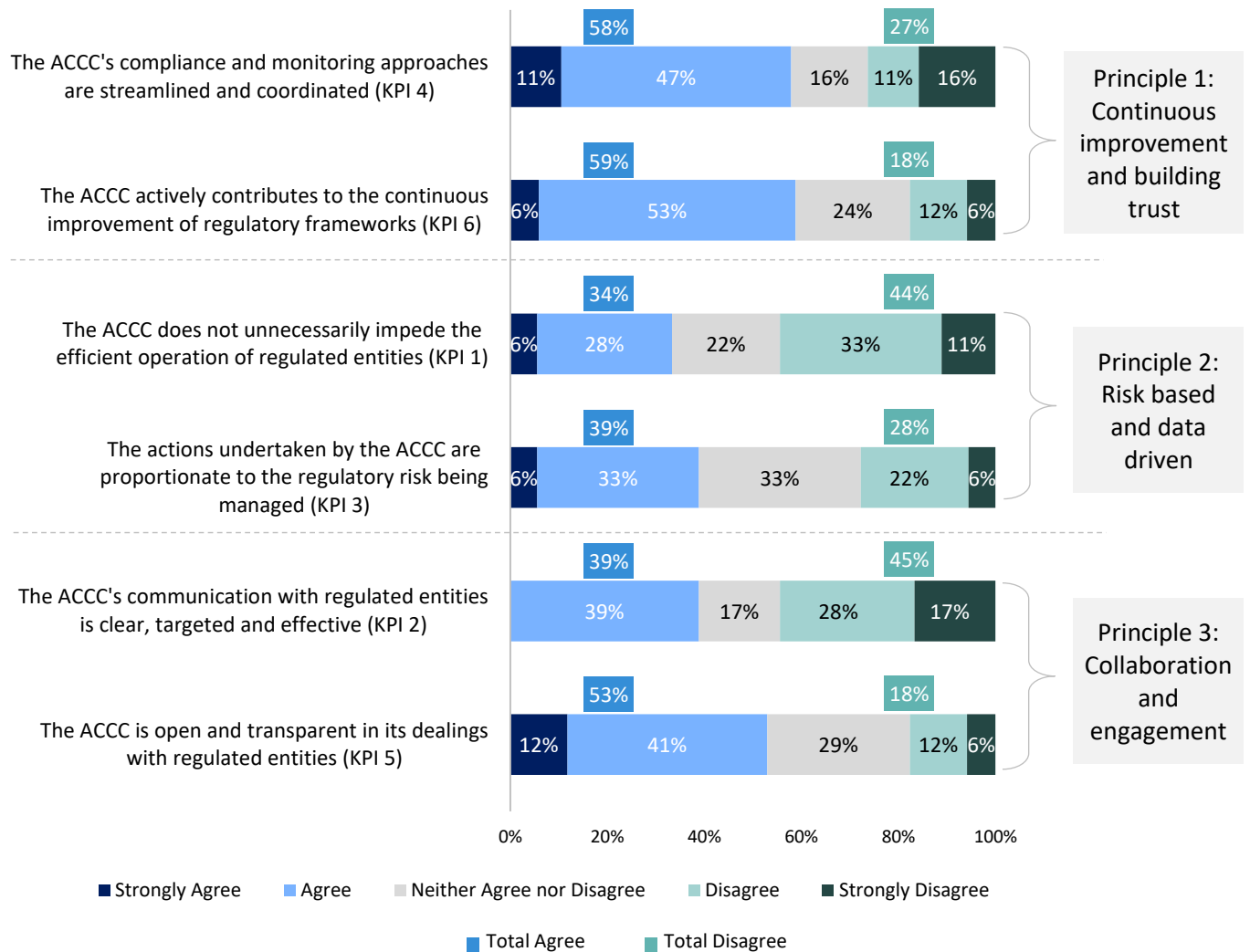
**Table 15: Achieving regulator best practice index score**

(Base: Consumer Data Right respondents, n=18-20)

Composite index scores across the three principles of regulatory best practice (0-100ip)	
Principle 1: Continuous improvement and building trust	58.1ip
Principle 2: Risk based and data driven	49.3ip
Principle 3: Collaboration and engagement	52.8ip



**Figure 56: KPI summary**  
 (Base: Consumer Data Right respondents, n=17-19)



### 9.3 RPG 1: Continuous improvement and building trust

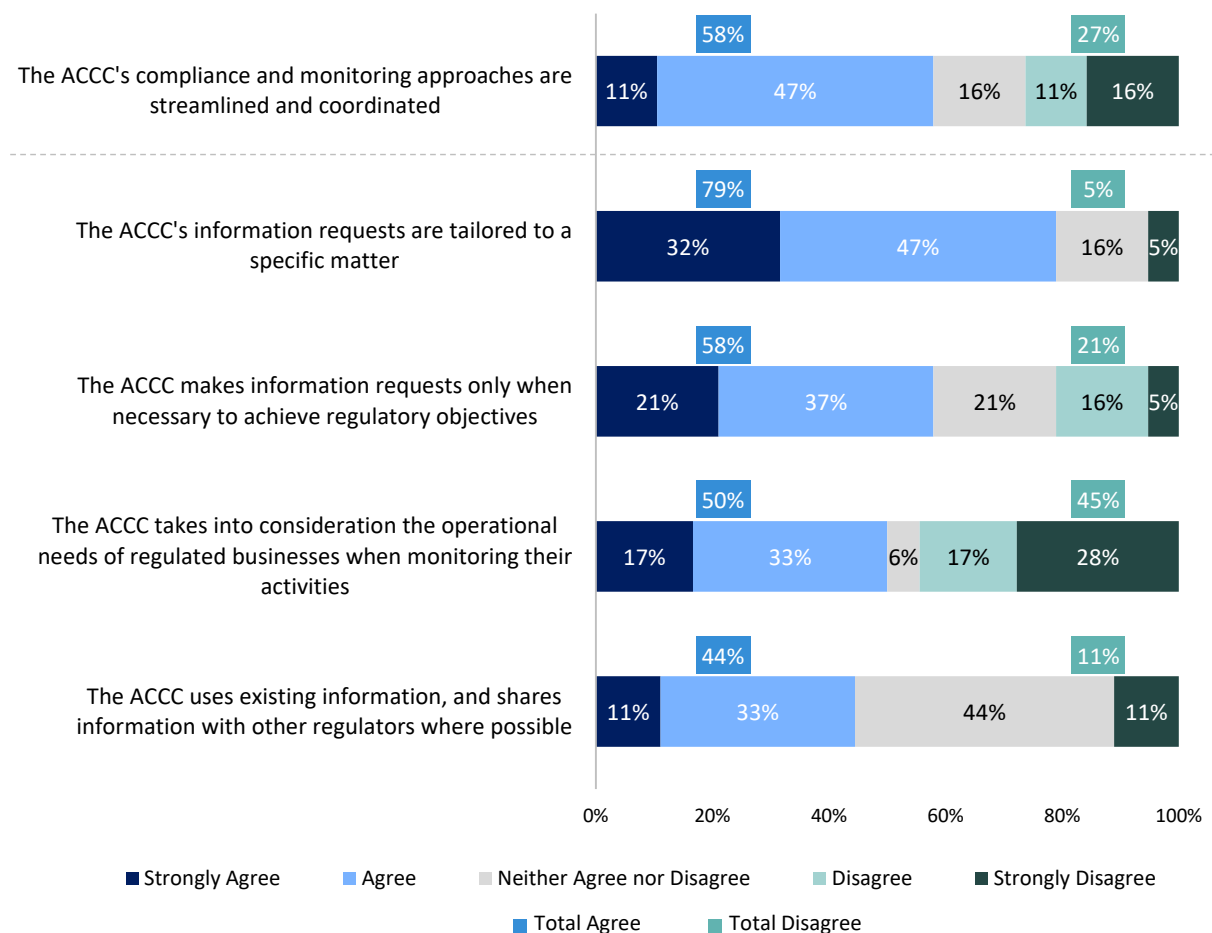
#### ***Compliance and monitoring approaches are streamlined and coordinated (KPI 4)***

Nearly six in ten (58%) respondents agreed that the ACCC’s compliance and monitoring approaches are streamlined and coordinated, while around one quarter (26%) disagreed.

Perceptions of supporting statements for KPI 4 were varied, with respondents feeling very positive about the tailoring of ACCC’s information requests (79% agreed), but less positive in relation to the ACCC using existing information and sharing information with other regulators where possible (44%). A notable proportion of respondents also *disagreed* that the ACCC takes into consideration the operational needs of regulated businesses when monitoring their activities (44% disagreed).

**Figure 57: Compliance and monitoring approaches are streamlined and coordinated (KPI 4)**

(Base: Consumer Data Right respondents, n=9-19)



#### **Open-ended feedback for KPI 4**

n=10 respondents provided a comment relating to whether the ACCC's compliance and monitoring approaches are streamlined and coordinated.

##### *Positive feedback:*

A few respondents felt ACCC performed well in this area, expressing positive sentiment.

*"Have only received a couple of emails regarding compliance, which were targeted at a specific issue each time."*

*"It is hard to separate the ACCC from the whole CDR ecosystem, however thinking about compliance and enforcement e-mails, they are clear in what they are asking. Having a bi-monthly meeting with an ACCC representative has been very beneficial as he has been able to escalate issues on our behalf."*

##### *Opportunities for improvement/ Areas of concern:*

However, other respondents had concerns about unclear requests and noted a desire for better coordination and communication.

*"Sometimes they're not clear what they're asking of DHs."*

*"We have received requests for action where the ACCC passes on details from API developers to us as data holders. We then respond to ACCC who respond to the developer who then respond to the ACCC to respond to us .... This is far from streamlined or efficient...It appears that the ACCC is not aware of who the audience is."*

*"We feel as data holder, ACCC seems to use 'talk' and publish as active tools. Yet at the same time fails to be fairly apply that to their peers Fed govt who also have obligations here."*

*"I recommend that Treasury/ACCC CDR/DSB co-ordinate changes and communicate in one voice in language for both compliance and IT professionals can easily understand, and in particular compliance changes related to Data Standards, Customer Experience and other areas of CDR. That the same measure for all stakeholders be communicated."*

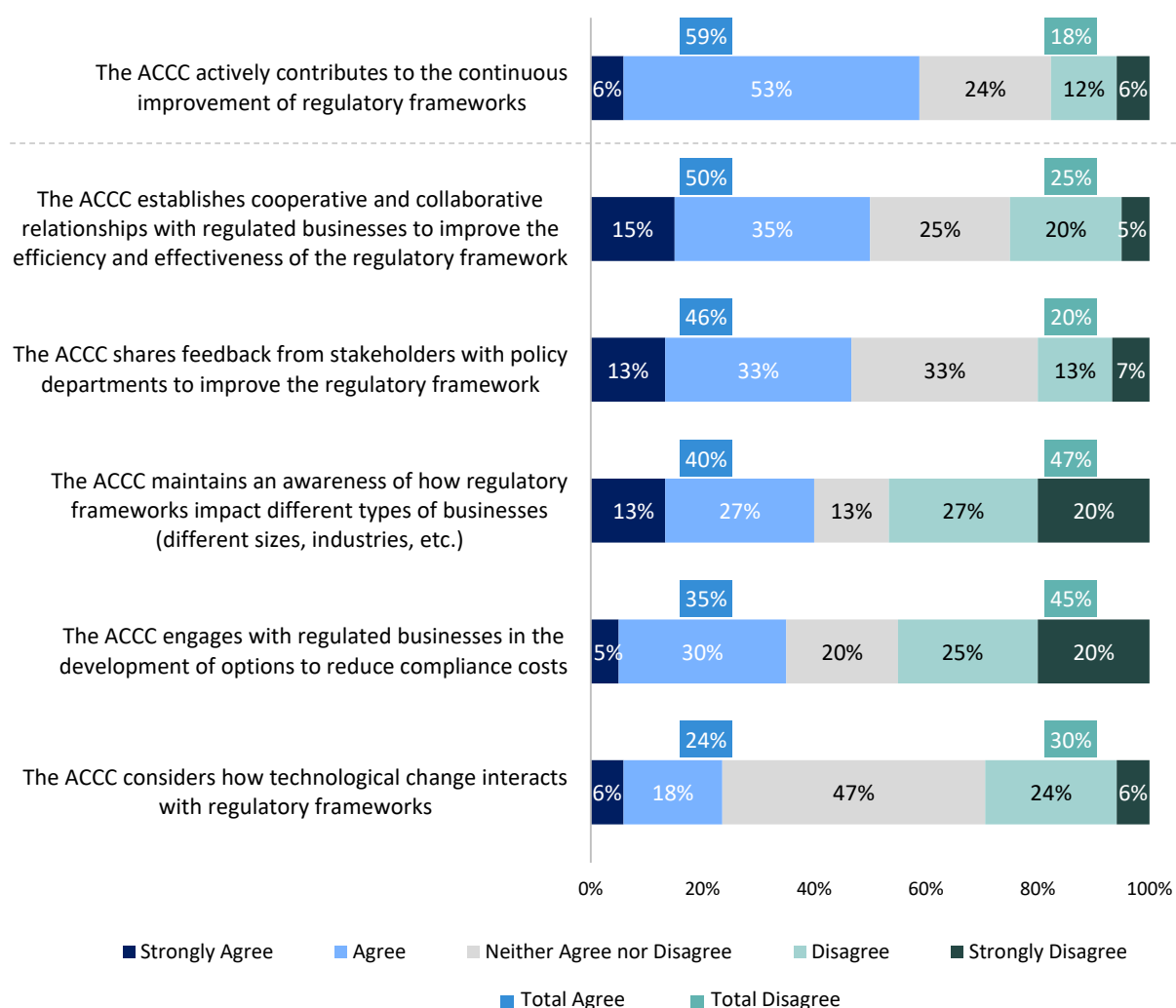
## Regulators actively contribute to the continuous improvement of regulatory frameworks (KPI 6)

Nearly six in ten (59%) of Consumer Data Right respondents agreed that the ACCC actively contributes to the continuous improvement of regulatory frameworks.

In relation to supporting statements for KPI 6, a higher proportion of respondents disagreed rather than agreed that the ACCC is aware of how regulatory frameworks impact different types of businesses (47% disagreed and 40% agreed), engages with regulated businesses in the development of options to reduce compliance costs (45% disagreed and 35% agreed) and considers how technological change interacts with regulatory frameworks (30% disagreed and 24% agreed).

**Figure 58: Regulators actively contribute to the continuous improvement of regulatory frameworks (KPI 6)**

(Base: Consumer Data Right respondents, n=15-20)



## Open-ended feedback for KPI 6

n=13 Consumer Data Right respondents provided open-ended feedback regarding the ACCC's contribution to the continuous improvement of regulatory frameworks.

### *Positive feedback:*

Some acknowledged the ACCC's efforts to engage and improve services.

*"Many improvements have been added since the introduction, which leads to continuous improvement."*

*"They actively improve the services they offer in CDR such as the registry, Jiri ticketing system, FAQ's."*

### *Opportunities for improvement/ Areas of concern:*

However, several concerns were raised, including the complexity and frequency of regulatory changes, lack of understanding of business infrastructure, and the need for better consideration of financial and operational implications among other issues.

*"The complexity and frequency of change of the regulatory framework for the CDR is excessive."*

*"The complexity of businesses' infrastructure are not fully/well understood by the ACCC - perhaps the ACCC should focus on the outcomes and less about defining how the outcomes are reached."*

*"Some of the rules do not make sense and is of no value to the customers. High cost to build with low value to customers."*

*"The ACCC may collaborate with some regulated businesses, however given the structure and implementation of some of this framework, it is nearly always skewed to large organisations with little to no consideration of smaller entities and the difference in their internal staffing capacities, technology restrictions and difference in available funds."*

*"I agree the ACCC contribute to continuous improvement, however I don't think the financial or operational implications of the changes are considered."*

## 9.4 RPG 2: Risk based and data driven

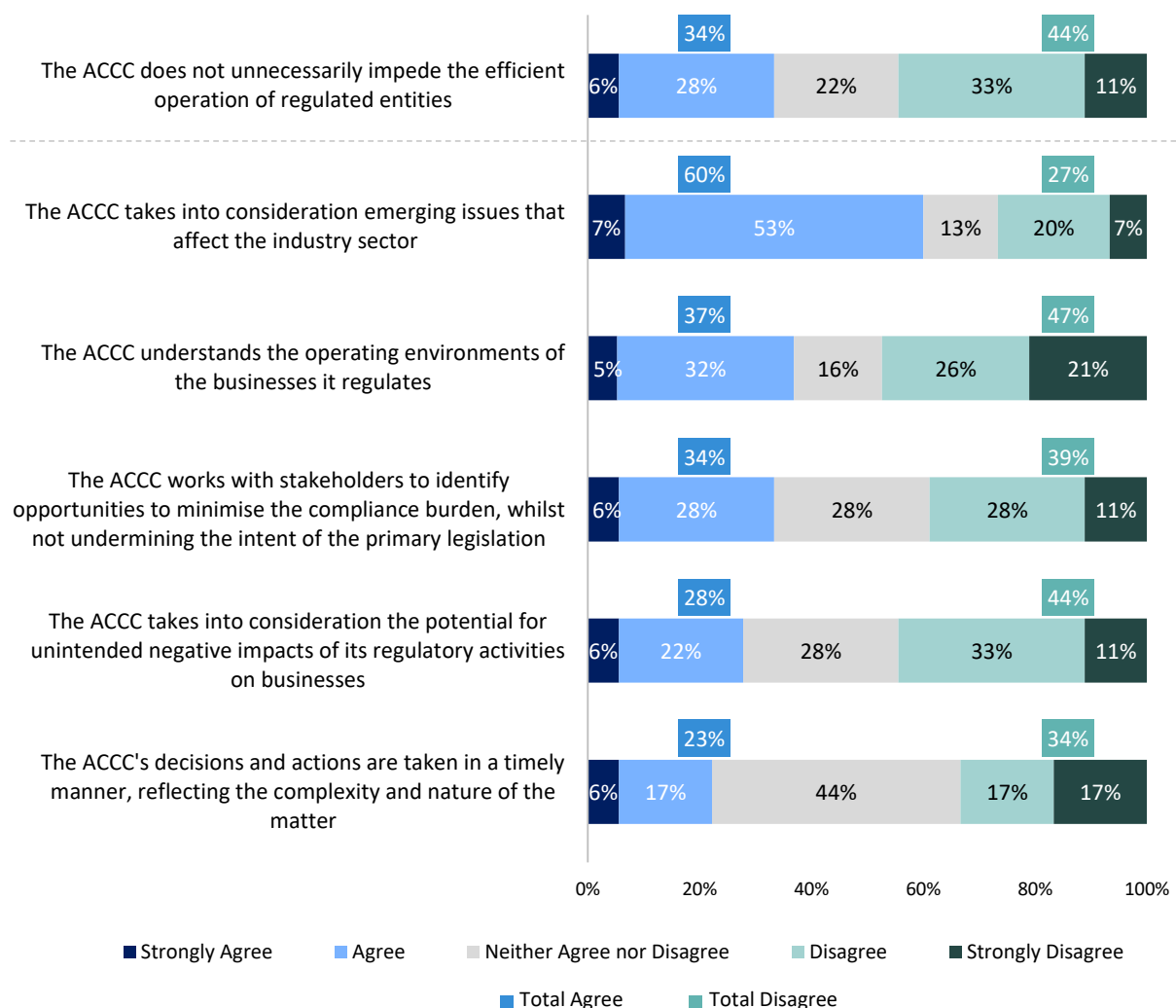
### ***Regulators do not unnecessarily impede the efficient operation of regulated entities (KPI 1)***

Around one third (34%) of Consumer Data Right respondents agreed that the ACCC does not unnecessarily impede the efficient operation of regulated entities, while a higher proportion (44%) disagreed.

Respondents provided favourable ratings in relation to the ACCC taking into consideration emerging issues that affect the industry sector (60% agreed). However, agreement levels across other supporting statements were notably lower (23%-37%). Additionally, high levels of disagreement were recorded for ACCC’s understanding of the operating environments of the businesses it regulates (47% disagreed) and ACCC’s consideration of potential unintended negative impacts of its regulatory activities on businesses (44% disagreed).

**Figure 59: Regulators do not unnecessarily impede the efficient operation of regulated entities (KPI 1)**

(Base: Consumer Data Right respondents, n=15-19)



## Open-ended feedback for KPI 1

n=14 Consumer Data Right respondents provided open-ended feedback regarding ACCC's contribution to the continuous improvement of regulatory frameworks.

### *Positive feedback:*

Two respondents acknowledged the ACCC's efforts to facilitate CDR forums.

*"The ACCC facilitates and attends CDR forums to understand issues stakeholders are having. I have not seen evidence of any direct impedance."*

*Regular forums provided for regulated entities to provide feedback and receive guidance; openness to providing revised implementation schedules given the COVID environment and regulatory burden from other regimes on smaller ADIs was extremely appreciated."*

### *Opportunities for improvement/ Areas of concern:*

A number of others expressed concerns regarding the complexity of requests and burdensome nature of complying with regulations and CDR changes.

*"Some of the asks are complex to build with low benefits to the customers."*

*"I think the compliance and regulations are correctly deemed as necessary, however the timeframes and burden are not always considered for the various organisation sizes."*

*"We have seen no evidence that the ACCC has considered the magnitude of the CDR changes relative to the resourcing of small data holders or the fact that small data holders are necessarily dependent upon third party software providers. Implementing the CDR consumed over 10% of our human resources as well as adding significant financial cost. Maintaining the CDR still consumes significant resources (and cost)."*

*"While the ACCC may consult with business the responses are sometimes ignored in order to meet other objectives."*

*"I think the ACCC needs to link regulation to outcomes - what are the goals it is trying to achieve and how does the regulation link to those goals?"*

*"Usage of portals incites regulated businesses to collaboratively share ideas and promote new framework development...There are many missed opportunities for ACCC to proactively advise industry."*

*"Rule changes and ability for data holders to comply successfully CDR rules is a significant challenge. Working with our vendors on rule changes has been problematic"*

*"I agree the ACCC contribute to continuous improvement, however I don't think the financial or operational implications of the changes are considered."*

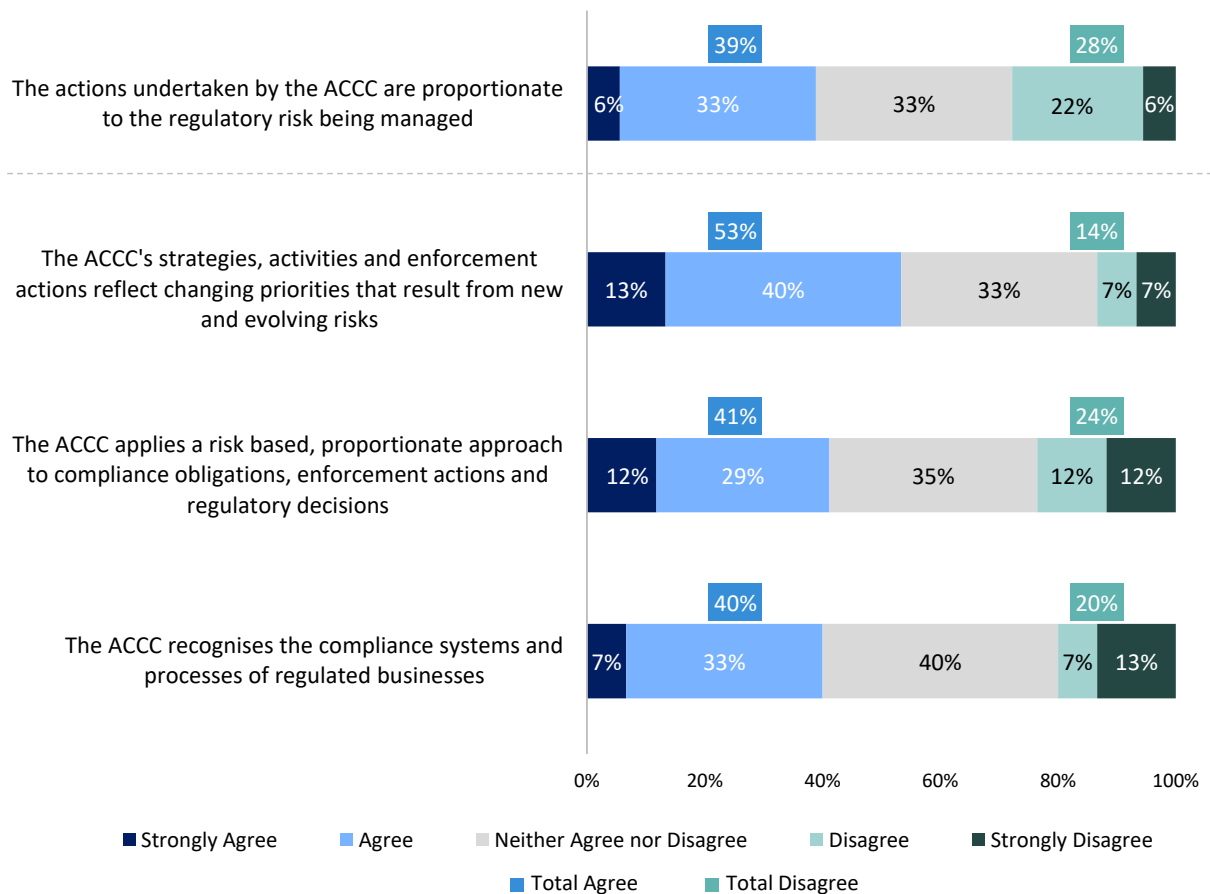
### **Actions undertaken by regulators are proportionate to the regulatory risk being managed (KPI 3)**

Around four in ten (39%) respondents agreed that the actions undertaken by the ACCC are proportionate to the regulatory risk being managed.

Under this KPI, perceptions of the ACCC’s strategies, activities and enforcement actions reflecting changing priorities were more positive compared to other aspects.

**Figure 60: Actions undertaken by regulators are proportionate to the regulatory risk being managed (KPI 3)**

(Base: Consumer Data Right respondents, n=15-18)





### Open-ended feedback for KPI 3

n=9 Consumer Data Right respondents provided a comment regarding whether the ACCC's actions are proportionate to the regulatory risk being managed.

#### *Positive feedback:*

Two respondents expressed agreement with statement.

*"In general, compliance action to date seems to reflect an understanding of the emerging nature of this ecosystem and appropriate allowance is made for the steep learning curve the industry is on."*

*"ACCC has enabled data holders to reach the necessary foundation level of compliance before moving into a more active enforcement posture."*

#### *Opportunities for improvement/ Areas of concern:*

However, other comments mainly related to lack of visibility of the ACCC's compliance actions and a lack of evidence that actions were proportionate to the risk.

*"We respect that the CDR carries significant risk - which contributes to our discomfort in being forced to participate. This does not change the fact that we have seen no evidence of proportionate actions, it has been a one size fits all."*

*"When looking at the costs incurred to implement CDR - if we had decided to not be compliant and waited for the vendor to have a more mature service, we would have saved a substantial amount financially. When the ACCC shared the fines that had been issued to much larger organisations for not complying with CDR DH, they were minimal."*

*"The ACCC compliance activities are not visible until a decision is to be made public. Where CDR non-compliance by a stakeholder is known it takes too long to be addressed. It is difficult to assess actions are in line with proportionate risk in this context."*

*"I don't understand how the ACCC link the regulations to its goals."*

## 9.5 RPG 3: Collaboration and engagement

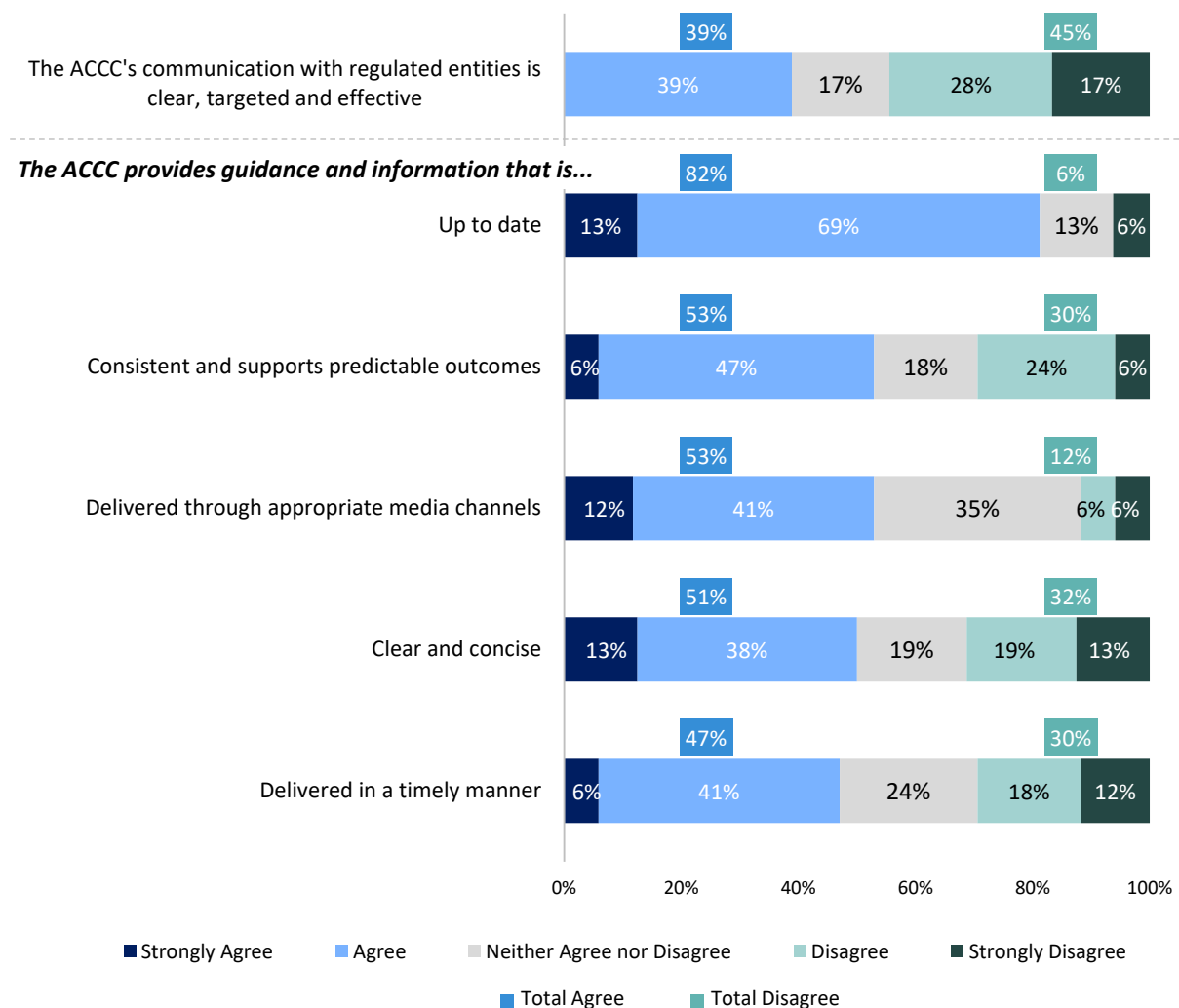
### ***Communication with regulated entities is clear, targeted and effective (KPI 2)***

Only 39% agreed that the ACCC’s communication with regulated entities is clear, targeted and effective, while nearly half (45%) disagreed with this statement.

While the majority of respondents (82%) felt that the ACCC’s guidance and information was up to date, perceptions of other aspects were notably less positive. In particular, less than half (47%) felt that the guidance and information provided by the ACCC was delivered in a timely manner.

**Figure 61: Communication with regulated entities is clear, targeted and effective (KPI 2)**

(Base: Consumer Data Right respondents, n=16-18)



## Open-ended feedback for KPI 2

n=10 Consumer Data Right respondents provided a comment regarding the ACCC's communication with regulated entities.

### *Positive feedback:*

A few respondents noted that the ACCC's communication was clear and effective.

*"Usage of online public Q&A forums and active moderation of these helps provide clarity to the community. All engagements with ACCC have been clear and media statements are measured and only issued when appropriate."*

*"Guidance materials are clear and effective and regular forums are provided to allow dialogue and clarification."*

### *Opportunities for improvement/ Areas of concern:*

On the other hand, some others felt that the ACCC's communications were complex, unclear and/ or delayed.

*"The information provided is complicated and convoluted, making an already difficult landscape of regulation harder than it needs to be."*

*"Most of the communication is unclear and it's very difficult to find the right information. ACCC takes a long time to get back to DH/ADRs when they post a question."*

*"I think the ACCC has to tread a fine line. The ACCC doesn't want to provide prescriptive guidance on items - telling people they need to read the RFCs relating to an area. However, this is not the most effective manner for smaller startups to get going."*

*"I have on occasion had to request further information from ACCC on communications about an issue."*

*"Due to the complexity of the ecosystems the ACCC will always find it difficult to define 'how' to regulate. I think a better approach maybe to define outcomes and then let the participants define how they will achieve the outcomes."*

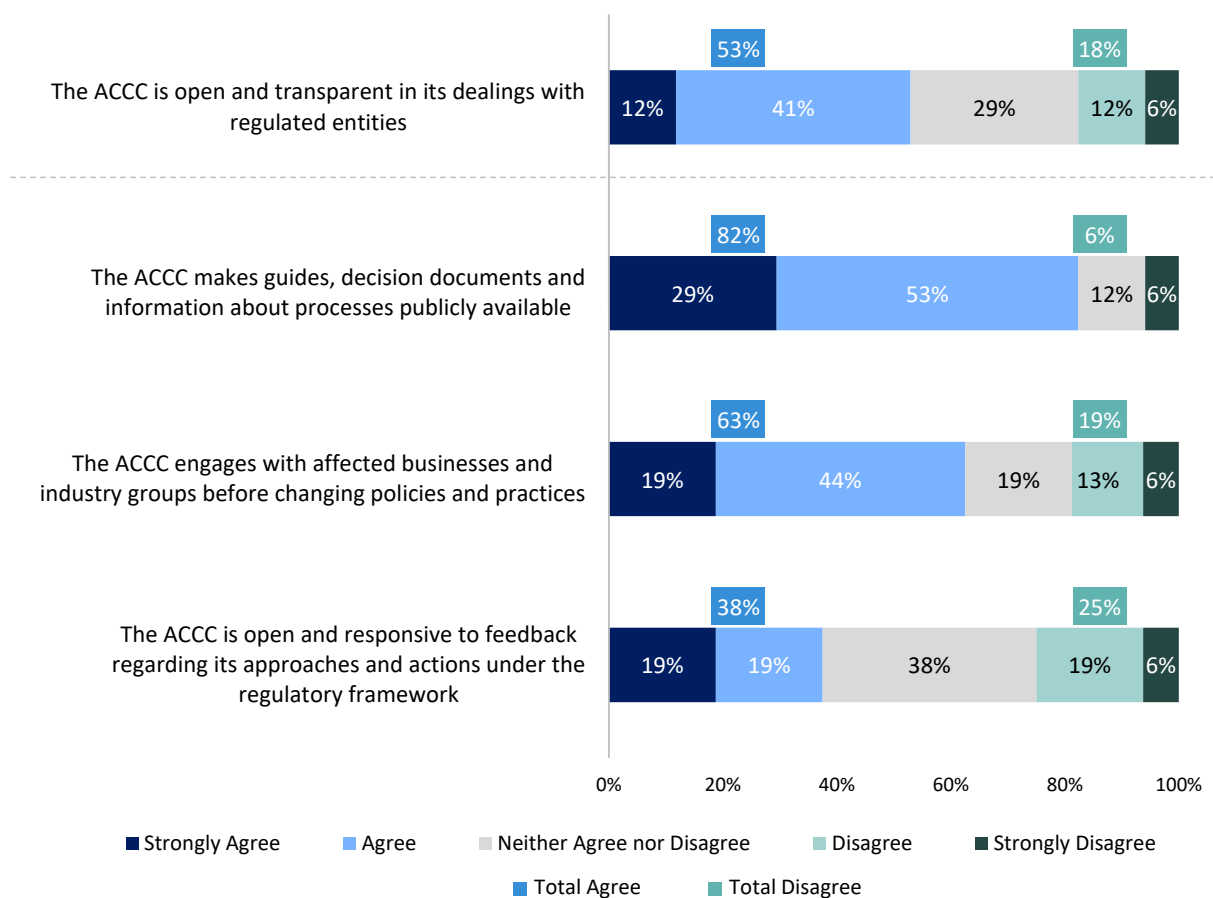
## Regulators are open and transparent in their dealings with regulated entities (KPI 5)

Over half (53%) of Consumer Data Right respondents agreed that the ACCC is open and transparent in its dealings with regulated entities, while around one fifth (18%) disagreed.

Ratings for supporting statements showed significant variation with the vast majority (82%) agreeing that the ACCC makes guides, decision documents and information about processes publicly available, and only 38% agreeing that the ACCC is open and responsive to feedback regarding its approaches and actions under the regulatory framework.

**Figure 62: Regulators are open and transparent in their dealings with regulated entities (KPI 5)**

(Base: Consumer Data Right respondents, n=16-17)



### Open-ended feedback for KPI 5

n=9 Consumer Data Right respondents provided a comment regarding the ACCC's openness and transparency in its dealing with regulated entities.

#### *Positive feedback:*

Some respondents mentioned positive aspects such as the availability of guides and clear explanations from the ACCC.

*"I have found the ACCC to always be open and transparent on CDR matters. Attending forums, offering 1:1 meetings when appropriate."*

*"ACCC has always clearly explained why it is taking any particular action."*

*"Guides are now available and are a great tool - however not all of these were available when we started CDR and would have been very beneficial."*

#### *Opportunities for improvement/ Areas of concern:*

However, concerns were raised regarding the ACCC's openness and transparency, as well as the effectiveness of consultation processes.

*"There is little engagement. Simply inviting feedback is of little value."*

*"As a data holder we have always been told to be open and transparent but not sure that this has always been reciprocated, particularly by the compliance and enforcement team."*

*"Whilst consultation is always sought the effectiveness of it is debatable. Every voice is given equal weight rather than focusing on the likely outcomes/impacts."*

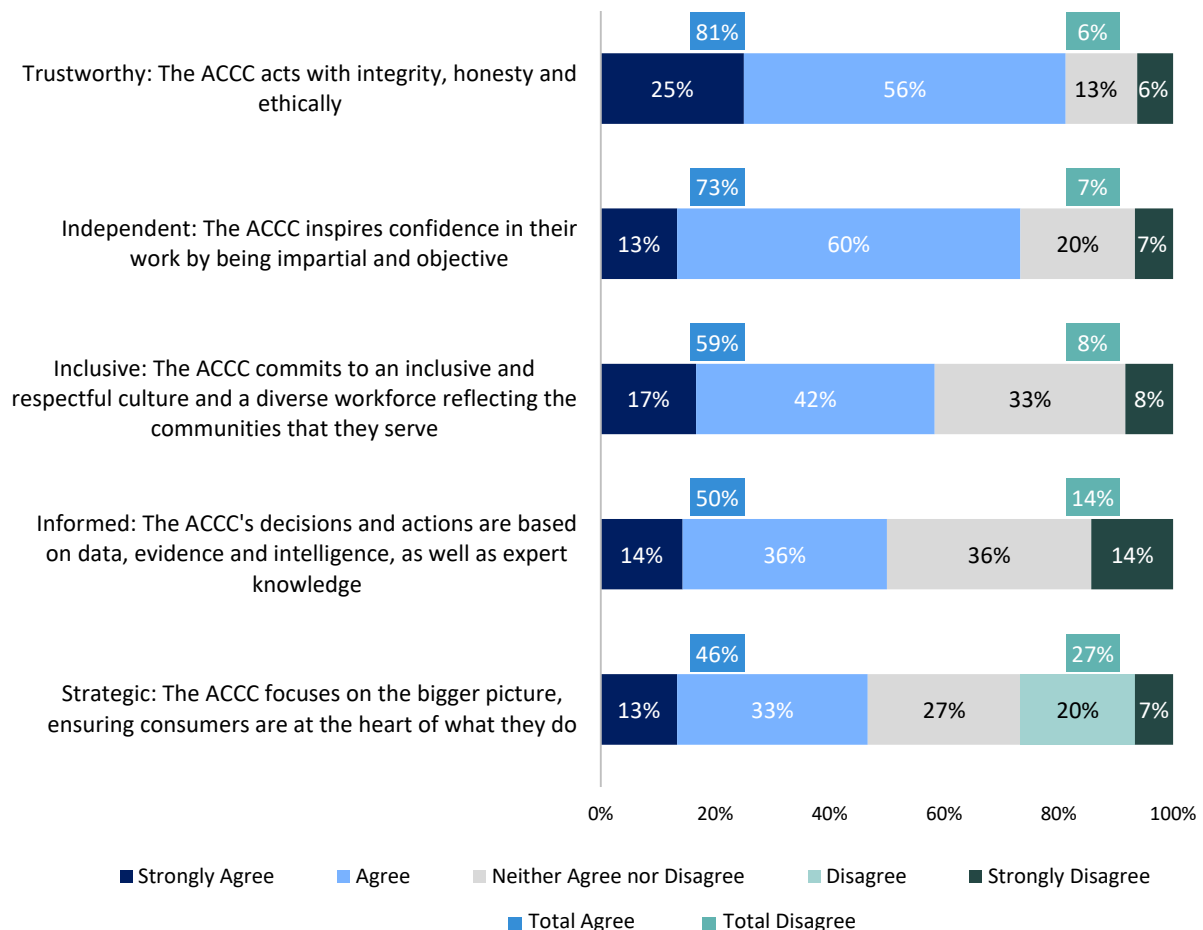
*"The ACCC might consider publicly enabling minutes from challenges experienced by the regulated businesses. In addition to publicly highlighting contention requirements in current rules and standards."*

## 9.6 ACCC values

Consumer Data Right respondents generally felt positively about the ACCC upholding its core values, recording an index score of 65.2ip. The vast majority felt that the ACCC is trustworthy (81%) and independent (73%), while less than half (46%) agreed that the ACCC is 'strategic' in focusing on the bigger picture and ensuring consumers are at the heart of what they do.

**Figure 63: ACCC values**

(Base: Consumer Data Right respondents, n=12-16)

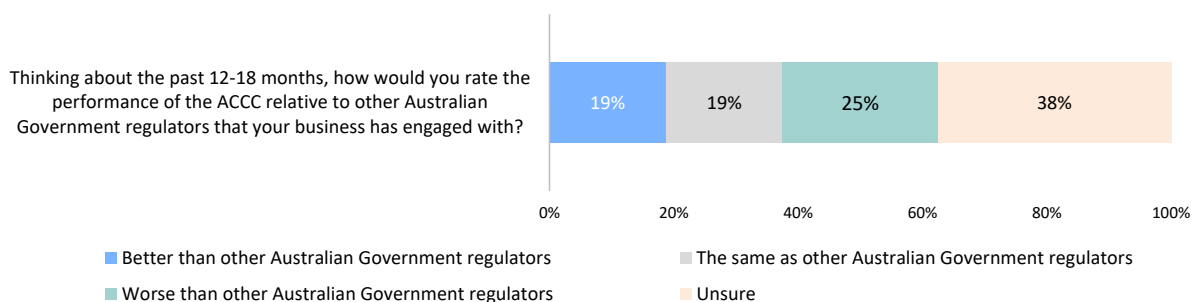


## 9.7 Comparison to other regulators

Just under one fifth (19%) of respondents felt that the ACCC’s performance was better than other Australian Government regulators while one quarter (25%) felt that the ACCC was worse. The remaining respondents perceived the ACCC and other regulators to be on par (19%), or were unsure of any differences (38%).

**Figure 64: Comparison to other regulators**

(Base: Consumer Data Right respondents, n=16)



Those who felt that the ACCC’s performance was better than other Australian Government regulators praised the ACCC’s willingness to assist and effective communication.

*“Assisted with challenge circumstances within our organisation - always willing to help.”*

*“More approachable on significant issues and open to explaining its rationale for certain decisions. Being clear as to which course of action is open / or not open to a regulated entity; appearing to genuinely want to work with industry in a responsible way to implement the CDR requirements.”*

*“Inadequate visibility of other regulators.”*

Two respondents who felt that the ACCC was performing worse than other Australian Government regulators left the following comments:

*“The CDR implementation has been damaging to our business and was forced within an unrealistic timeline. The consequences were potentially catastrophic to the business and there was no ability to present any case based on scale and capability.”*

*“I think APRA as an example, having worked with ADI's for many years understands them, e.g. systems, processes and fundamentals whereby the ACCC haven't worked as closely with ADI's so many assumptions were made relating to the CDR in the earlier years. Now better understanding the legacy and constraints that exist in the industry, which is important context.”*

## 9.8 Feedback on key strengths and suggestions for improvement

In general open-ended feedback, Consumer Data Right respondents stated that the key aspects in which ACCC was performing well in included effective regulation, collaboration, proportional risk management and providing opportunities for changes. Various suggestions for improvement were made such as faster response times, more balanced regulation, clearer goals and guidance, and improved communication, among other areas of concern.

### Specific aspects of performance that ACCC does well (n=10):

*"The ACCC appears to be very good at regulation."*

*"Their collaboration and engagement cannot be questioned."*

*"ACCC has generally managed risk proportionally. They have also been very open to engagement."*

*"Building trust/collaboration- they are open to help and support - however many of the team don't feel empowered to make decisions."*

*"The ACCC do provide plenty of opportunity for people to engage with the process. They also try to understand the impacts of changes."*

*"ACCC mostly is rational and consistent in the dealings we have with them on the things it controls."*

*"Collaboration and engagement - unlike other regulators, we have always been able to access the right individuals within the ACCC to discuss and resolve important issues."*

*"Regulators manage risks proportionately."*

### Suggestions for improvement (n=11):

*"Faster turnaround time on questions from the DH/ADRs."*

*"Sometimes answers to questions take a long time to cycle back."*

*"Proportionality in regulation and implementation would be an improvement."*

*"Data driven - they need to be clearer on their goals and the weight of issues should be linked to the size of the impact on consumers."*

*"The area of risk based and data driven in CDR should be with a more strategic approach. The ACCC appears to be limited in its ability to implement strategic change. Possibly due to the many government bodies involved in CDR or the scope they have now have after changes to responsibilities with CDR."*

*"The single biggest improvement would be to provide actual guidance in relation to specific questions."*

*"Better communication about compliance changes and issues to all stakeholders of each industry group. The communication should not include IT speak or jargon or just a referral to an online Github blog used by IT staff."*

*"Continuously evolving to organisation of standards, guidance etc to be more easily accessible on an ongoing basis."*

*"Taking into account the various sizes of organisations within the regulated entities and not disregarding the challenges that present to them including being limited by their suppliers."*



Australian Competition and Consumer Commission

# 2023 Business Stakeholder Survey

APPENDICES

2 June 2023

## **APPENDIX A: Survey questionnaire**

## Introduction

---

Thank you for agreeing to take part in this survey being conducted on behalf of the Australian Competition and Consumer Commission (ACCC). The ACCC is interested in obtaining the views of businesses on their performance against best practice principles in the Regulator Performance Guide, specifically:

- Principle 1: Continuous improvement and building trust: regulators adopt a whole-of-system perspective, continuously improving their performance, capability and culture to build trust and confidence in Australia's regulatory settings.
- Principle 2: Risk based, and data driven: regulators manage risks proportionately and maintain essential safeguards while minimising regulatory burden, and leveraging data and digital technology to support those they regulate to comply and grow.
- Principle 3: Collaboration and engagement: regulators are transparent and responsive communicators, implementing regulations in a modern and collaborative way.

ORIMA Research, an independent market and social research firm, has been engaged by the ACCC to conduct the research on a confidential and anonymous basis. ORIMA Research will treat all your responses, comments and information as strictly confidential. Your contact details were provided to ORIMA Research by the ACCC solely for the purposes of this survey.

Your responses will only be seen by ORIMA Research. ORIMA's report to the ACCC on the survey results will focus on common themes identified among stakeholders surveyed and important issues raised. The report will also contain some unattributed and deidentified quotes from the open-ended responses to this survey. The ACCC will not be able to identify your responses to the survey.

Participation in this research is voluntary. You can choose not to answer any question. You can decide to stop at any time. Your answers will only be used for the purposes of the research and the associated reporting.

We would like you to answer the following questionnaire in relation to your perceptions of the ACCC's performance over the last 12-18 months. We would like you to specifically focus on your businesses' engagement with the ACCC in its <FUNCTION AREA FROM SAMPLE> role.

This questionnaire should take about 15-20 minutes to complete. If you have any questions or require further information about the survey, please do not hesitate to contact Tyler Forrester of ORIMA Research on 03 9526 9000 (E: [tyler.forrester@orima.com](mailto:tyler.forrester@orima.com)). If you have any broader questions about why the ACCC is conducting the survey, please contact Nicole Robbins, Executive Office, ACCC on 07 4729 2618 (E: [nicole.robbins@acc.gov.au](mailto:nicole.robbins@acc.gov.au)).

## A. Principle 1 – Continuous improvement and building trust: regulators adopt a whole-of-system perspective, continuously improving their performance, capability and culture to build trust and confidence in Australia’s regulatory systems

### Compliance and monitoring approaches are streamlined and coordinated

- 1 Thinking about your experience over the past 12-18 months with the ACCC concerning its <FUNCTION AREA > role, please rate the extent to which you agree or disagree with the following statements:

	Strongly Disagree	Disagree	Neither Agree nor Disagree	Agree	Strongly Agree	Don't Know
a The ACCC makes information requests only when necessary to achieve regulatory objectives	1	2	3	4	5	6
b The ACCC’s information requests are tailored to a specific matter	1	2	3	4	5	6
c The ACCC uses existing information, and shares information with other regulators where possible	1	2	3	4	5	6
d The ACCC takes into consideration the operational needs of regulated businesses when monitoring their activities	1	2	3	4	5	6

Thinking about the statements above as well any other relevant factors, please rate the extent to which you agree or disagree with the following statement.

- 2 The ACCC’s compliance and monitoring approaches are streamlined and coordinated
- 1 Strongly Disagree
  - 2 Disagree
  - 3 Neither Agree nor Disagree
  - 4 Agree
  - 5 Strongly Agree
  - 6 Don't know

3 Why have you given that rating?

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## Regulators actively contribute to the continuous improvement of regulatory frameworks

4 Thinking about your experience over the past 12-18 months with the ACCC concerning its <FUNCTION AREA> role, please rate the extent to which you agree or disagree with the following statements:

	Strongly Disagree	Disagree	Neither Agree nor Disagree	Agree	Strongly Agree	Don't Know
a The ACCC establishes cooperative and collaborative relationships with regulated businesses to improve the efficiency and effectiveness of the regulatory framework	1	2	3	4	5	6
b The ACCC engages with regulated businesses in the development of options to reduce compliance costs	1	2	3	4	5	6
c The ACCC shares feedback from stakeholders with policy departments to improve the regulatory framework	1	2	3	4	5	6
d The ACCC maintains an awareness of how regulatory frameworks impact different types of businesses (different sizes, industries, etc.)	1	2	3	4	5	6
e The ACCC considers how technological change interacts with regulatory frameworks	1	2	3	4	5	6

Thinking about the statements above as well any other relevant factors, please rate the extent to which you agree or disagree with the following statement.

5 The ACCC actively contributes to the continuous improvement of regulatory frameworks

- 1 Strongly Disagree
- 2 Disagree
- 3 Neither Agree nor Disagree
- 4 Agree
- 5 Strongly Agree

6 Don't know

6 Why have you given that rating?

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**B. Principle 2 - Risk based, and data driven:** regulators manage risks proportionately and maintain essential safeguards while minimising regulatory burden, and leveraging data and digital technology to support those they regulate to comply and grow.

**Regulators do not unnecessarily impede the efficient operation of regulated entities**

7 Thinking about your experience over the past 12-18 months with the ACCC concerning its <FUNCTION AREA > role, please rate the extent to which you agree or disagree with the following statements:

	Strongly Disagree	Disagree	Neither Agree nor Disagree	Agree	Strongly Agree	Don't Know
a The ACCC understands the operating environments of the businesses it regulates	1	2	3	4	5	6
b The ACCC takes into consideration emerging issues that affect the industry sector	1	2	3	4	5	6
c The ACCC takes into consideration the potential for unintended negative impacts of its regulatory activities on businesses	1	2	3	4	5	6
d The ACCC's decisions and actions are taken in a timely manner, reflecting the complexity and nature of the matter	1	2	3	4	5	6
e The ACCC works with stakeholders to identify opportunities to minimise the compliance burden, whilst not undermining the intent of the primary legislation	1	2	3	4	5	6

Thinking about the statements above as well any other relevant factors, please rate the extent to which you agree or disagree with the following statement.

- 8 The ACCC does not unnecessarily impede the efficient operation of regulated entities
- 1 Strongly Disagree
  - 2 Disagree
  - 3 Neither Agree nor Disagree

- 4 Agree
- 5 Strongly Agree
- 6 Don't know

9 Why have you given that rating?

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### Actions undertaken by regulators are proportionate to the regulatory risk being managed

10 Thinking about your experience over the past 12-18 months with the ACCC concerning its <FUNCTION AREA > role, please rate the extent to which you agree or disagree with the following statements:

	Strongly Disagree	Disagree	Neither Agree nor Disagree	Agree	Strongly Agree	Don't Know
a The ACCC applies a risk based, proportionate approach to compliance obligations, enforcement actions and regulatory decisions	1	2	3	4	5	6
b The ACCC's strategies, activities and enforcement actions reflect changing priorities that result from new and evolving risks	1	2	3	4	5	6
c The ACCC recognises the compliance systems and processes of regulated businesses	1	2	3	4	5	6

Thinking about the statements above as well any other relevant factors, please rate the extent to which you agree or disagree with the following statement.

11 The actions undertaken by the ACCC are proportionate to the regulatory risk being managed

- 1 Strongly Disagree
- 2 Disagree
- 3 Neither Agree nor Disagree
- 4 Agree
- 5 Strongly Agree
- 6 Don't know



12 Why have you given that rating?

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## C. Principle 3 – Collaboration and engagement: regulators are transparent and responsive communicators, implementing regulations in a modern and collaborative way

### Communication with regulated entities is clear, targeted and effective

13 Thinking about your experience over the past 12-18 months with the ACCC concerning its <FUNCTION AREA > role, please rate the extent to which you agree or disagree with the following statements:

The ACCC provides guidance and information that is...	Strongly Disagree	Disagree	Neither Agree nor Disagree	Agree	Strongly Agree	Don't Know
a Up to date	1	2	3	4	5	6
b Clear and concise	1	2	3	4	5	6
c Consistent and supports predictable outcomes	1	2	3	4	5	6
d Delivered in a timely manner	1	2	3	4	5	6
e Delivered through appropriate media channels	1	2	3	4	5	6

Thinking about the statements above as well any other relevant factors, please rate the extent to which you agree or disagree with the following statement.

14 The ACCC’s communication with regulated entities is clear, targeted and effective

- 1 Strongly Disagree
- 2 Disagree
- 3 Neither Agree nor Disagree
- 4 Agree
- 5 Strongly Agree
- 6 Don't know

15 Why have you given that rating?

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## Regulators are open and transparent in their dealings with regulated entities

16 Thinking about your experience over the past 12-18 months with the ACCC concerning its <FUNCTION AREA > role, please rate the extent to which you agree or disagree with the following statements:

	Strongly Disagree	Disagree	Neither Agree nor Disagree	Agree	Strongly Agree	Don't Know
a The ACCC makes guides, decision documents and information about processes publicly available	1	2	3	4	5	6
b The ACCC engages with affected businesses and industry groups before changing policies and practices	1	2	3	4	5	6
c The ACCC is open and responsive to feedback regarding its approaches and actions under the regulatory framework	1	2	3	4	5	6

Thinking about the statements above as well any other relevant factors, please rate the extent to which you agree or disagree with the following statement.

17 The ACCC is open and transparent in its dealings with regulated entities

- 1 Strongly Disagree
- 2 Disagree
- 3 Neither Agree nor Disagree
- 4 Agree
- 5 Strongly Agree
- 6 Don't know

18 Why have you given that rating?

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## D. General performance and improvement

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### Best practice principles

The Australian Government has three principles of regulator best practice:

**Continuous improvement and building trust:** Regulators adopt a whole-of-system perspective, continuously improving their performance, capability and culture to build trust and confidence in Australia's regulatory settings.

**Risk based and data driven:** Regulators manage risks proportionately and maintain essential safeguards while minimising regulatory burden, and leveraging data and digital technology to support those they regulate to comply and grow.

**Collaboration and engagement:** Regulators are transparent and responsive communicators, implementing regulations in a modern and collaborative way.

More detail can be found at: <https://www.finance.gov.au/government/managing-commonwealth-resources/regulator-performance-rmg-128>

19 Thinking about the ACCC's performance across the above 3 principles of regulator best practice, are there any specific aspects that you believe the ACCC does well?

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20 Are there any specific improvements you would suggest for the ACCC to improve its performance across the three principles of regulator best practice?

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## ACCC Values

21 Please rate your level of agreement or disagreement that the ACCC demonstrates each of its core values below:

	Strongly Disagree	Disagree	Neither Agree nor Disagree	Agree	Strongly Agree	Don't Know
a Independent: The ACCC inspires confidence in their work by being impartial and objective	1	2	3	4	5	6
b Strategic: The ACCC focuses on the bigger picture, ensuring consumers are at the heart of what they do	1	2	3	4	5	6
c Trustworthy: The ACCC acts with integrity, honesty and ethically	1	2	3	4	5	6
d Informed: The ACCC's decisions and actions are based on data, evidence and intelligence, as well as expert knowledge	1	2	3	4	5	6
e Inclusive: The ACCC commits to an inclusive and respectful culture and a diverse workforce reflecting the communities that they serve	1	2	3	4	5	6

## Comparison to other Australian Government regulators

22 Thinking about the past 12-18 months, how would you rate the performance of the ACCC relative to other Australian Government regulators that your business has engaged with? Would you say the ACCC's performance against the 3 principles is generally:

- 1 Better than other Australian Government regulators
- 2 The same as other Australian Government regulators
- 3 Worse than other Australian Government regulators
- 4 Unsure
- 5 Not applicable

23 Why have you given that rating?

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## E. Demographics

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DEM1. Which of the following best describes your business (or the business or group of businesses that you represent)?

- 1 Micro business (up to 4 employees)
- 2 Small business (5 to 19 employees)
- 3 Medium business (20 to 199 employees)
- 4 Large business (200 or more employees)

DEM2. Which of the following best describes your business (or the business or group of businesses that you represent)? **Please select all that apply.**

- 1 Mining
- 2 Manufacturing
- 3 Electricity, gas, water, and waste services
- 4 Construction
- 5 Wholesale trade
- 6 Retail trade
- 7 Accommodation and food services
- 8 Transport, postal and warehousing
- 9 Information, media and telecommunications
- 10 Financial and insurance services
- 11 Rental, hiring and real estate services
- 12 Professional, scientific and technical services
- 13 Administrative and support services
- 14 Education and training
- 15 Health care and social assistance
- 16 Arts and recreation services
- 17 Other services (Please specify \_\_\_\_\_)

[Save and close message:]

**Thank you for participating in the survey.**

**Your assistance is very much appreciated.**

**You can download a PDF copy of your responses [here](#).**

## **APPENDIX B: Survey frequency results**

Business Stakeholder Survey 2023 results

**Function Area**

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Mergers and authorisation reviews	16	12.2	12.2	12.2
	Product safety	32	24.4	24.4	36.6
	Small business	4	3.1	3.1	39.7
	Infrastructure regulation	15	11.5	11.5	51.1
	Enforcement	6	4.6	4.6	55.7
	Market studies and inquiries	38	29.0	29.0	84.7
	Consumer Data Right	20	15.3	15.3	100.0
	Total	131	100.0	100.0	



Business Stakeholder Survey 2023 results  
Principle 1: Continuous improvement and building trust

**q1a. The ACCC makes information requests only when necessary to achieve regulatory objectives**

Function Area			Frequency	Percent	Valid Percent	Cumulative Percent
Mergers and authorisation reviews	Valid	Disagree	5	31.3	31.3	31.3
		Neither Agree nor Disagree	3	18.8	18.8	50.0
		Agree	7	43.8	43.8	93.8
		Strongly Agree	1	6.3	6.3	100.0
		Total	16	100.0	100.0	
Product safety	Valid	Strongly Disagree	1	3.1	3.3	3.3
		Neither Agree nor Disagree	5	15.6	16.7	20.0
		Agree	22	68.8	73.3	93.3
		Strongly Agree	2	6.3	6.7	100.0
		Total	30	93.8	100.0	
	Missing	Don't Know	2	6.3		
	Total		32	100.0		
Small business	Valid	Agree	3	75.0	75.0	75.0
		Strongly Agree	1	25.0	25.0	100.0
		Total	4	100.0	100.0	
Infrastructure regulation	Valid	Disagree	2	13.3	14.3	14.3
		Neither Agree nor Disagree	3	20.0	21.4	35.7
		Agree	8	53.3	57.1	92.9
		Strongly Agree	1	6.7	7.1	100.0
		Total	14	93.3	100.0	
	Missing	Don't Know	1	6.7		
	Total		15	100.0		
Enforcement	Valid	Disagree	1	16.7	16.7	16.7
		Agree	5	83.3	83.3	100.0
		Total	6	100.0	100.0	
Market studies and inquiries	Valid	Strongly Disagree	3	7.9	7.9	7.9
		Disagree	5	13.2	13.2	21.1
		Neither Agree nor Disagree	7	18.4	18.4	39.5
		Agree	17	44.7	44.7	84.2
		Strongly Agree	6	15.8	15.8	100.0
		Total	38	100.0	100.0	
Consumer Data Right	Valid	Strongly Disagree	1	5.0	5.3	5.3
		Disagree	3	15.0	15.8	21.1
		Neither Agree nor Disagree	4	20.0	21.1	42.1
		Agree	7	35.0	36.8	78.9
		Strongly Agree	4	20.0	21.1	100.0
		Total	19	95.0	100.0	
			Missing	Don't Know	1	5.0
	Total		20	100.0		

Business Stakeholder Survey 2023 results  
Principle 1: Continuous improvement and building trust

**q1b. The ACCC's information requests are tailored to a specific matter**

Function Area			Frequency	Percent	Valid Percent	Cumulative Percent
Mergers and authorisation reviews	Valid	Disagree	2	12.5	12.5	12.5
		Agree	11	68.8	68.8	81.3
		Strongly Agree	3	18.8	18.8	100.0
		Total	16	100.0	100.0	
Product safety	Valid	Disagree	2	6.3	6.3	6.3
		Neither Agree nor Disagree	2	6.3	6.3	12.5
		Agree	24	75.0	75.0	87.5
		Strongly Agree	4	12.5	12.5	100.0
		Total	32	100.0	100.0	
Small business	Valid	Neither Agree nor Disagree	1	25.0	25.0	25.0
		Agree	2	50.0	50.0	75.0
		Strongly Agree	1	25.0	25.0	100.0
		Total	4	100.0	100.0	
Infrastructure regulation	Valid	Neither Agree nor Disagree	5	33.3	33.3	33.3
		Agree	9	60.0	60.0	93.3
		Strongly Agree	1	6.7	6.7	100.0
		Total	15	100.0	100.0	
Enforcement	Valid	Strongly Disagree	1	16.7	16.7	16.7
		Disagree	1	16.7	16.7	33.3
		Agree	4	66.7	66.7	100.0
		Total	6	100.0	100.0	
Market studies and inquiries	Valid	Strongly Disagree	3	7.9	7.9	7.9
		Disagree	7	18.4	18.4	26.3
		Agree	24	63.2	63.2	89.5
		Strongly Agree	4	10.5	10.5	100.0
		Total	38	100.0	100.0	
Consumer Data Right	Valid	Strongly Disagree	1	5.0	5.3	5.3
		Neither Agree nor Disagree	3	15.0	15.8	21.1
		Agree	9	45.0	47.4	68.4
		Strongly Agree	6	30.0	31.6	100.0
		Total	19	95.0	100.0	
	Missing	Don't Know	1	5.0		
Total			20	100.0		

Business Stakeholder Survey 2023 results  
Principle 1: Continuous improvement and building trust

**q1c. The ACCC uses existing information, and shares information with other regulators where possible**

Function Area			Frequency	Percent	Valid Percent	Cumulative Percent
Mergers and authorisation reviews	Valid	Disagree	1	6.3	8.3	8.3
		Neither Agree nor Disagree	5	31.3	41.7	50.0
		Agree	6	37.5	50.0	100.0
		Total	12	75.0	100.0	
	Missing	Don't Know	4	25.0		
	Total	16	100.0			
Product safety	Valid	Strongly Disagree	1	3.1	5.0	5.0
		Neither Agree nor Disagree	7	21.9	35.0	40.0
		Agree	11	34.4	55.0	95.0
		Strongly Agree	1	3.1	5.0	100.0
	Total	20	62.5	100.0		
Missing	Don't Know	12	37.5			
	Total	32	100.0			
Small business	Missing	Don't Know	4	100.0		
Infrastructure regulation	Valid	Disagree	1	6.7	11.1	11.1
		Neither Agree nor Disagree	3	20.0	33.3	44.4
		Agree	5	33.3	55.6	100.0
		Total	9	60.0	100.0	
	Missing	Don't Know	6	40.0		
	Total	15	100.0			
Enforcement	Valid	Disagree	3	50.0	75.0	75.0
		Neither Agree nor Disagree	1	16.7	25.0	100.0
		Total	4	66.7	100.0	
Missing	Don't Know	2	33.3			
	Total	6	100.0			
Market studies and inquiries	Valid	Strongly Disagree	2	5.3	8.7	8.7
		Disagree	4	10.5	17.4	26.1
		Neither Agree nor Disagree	6	15.8	26.1	52.2
		Agree	9	23.7	39.1	91.3
		Strongly Agree	2	5.3	8.7	100.0
		Total	23	60.5	100.0	
	Missing	Don't Know	15	39.5		
	Total	38	100.0			
Consumer Data Right	Valid	Strongly Disagree	1	5.0	11.1	11.1
		Neither Agree nor Disagree	4	20.0	44.4	55.6
		Agree	3	15.0	33.3	88.9
		Strongly Agree	1	5.0	11.1	100.0
		Total	9	45.0	100.0	
	Missing	Don't Know	11	55.0		
	Total	20	100.0			

Business Stakeholder Survey 2023 results  
Principle 1: Continuous improvement and building trust

**q1d. The ACCC takes into consideration the operational needs of regulated businesses when monitoring their activities**

Function Area			Frequency	Percent	Valid Percent	Cumulative Percent
Mergers and authorisation reviews	Valid	Strongly Disagree	1	6.3	6.7	6.7
		Disagree	4	25.0	26.7	33.3
		Neither Agree nor Disagree	2	12.5	13.3	46.7
		Agree	8	50.0	53.3	100.0
		Total	15	93.8	100.0	
	Missing	Don't Know	1	6.3		
Total			16	100.0		
Product safety	Valid	Strongly Disagree	1	3.1	4.0	4.0
		Disagree	5	15.6	20.0	24.0
		Neither Agree nor Disagree	9	28.1	36.0	60.0
		Agree	9	28.1	36.0	96.0
		Strongly Agree	1	3.1	4.0	100.0
	Total	25	78.1	100.0		
Missing	Don't Know	7	21.9			
Total			32	100.0		
Small business	Valid	Neither Agree nor Disagree	1	25.0	25.0	25.0
		Agree	3	75.0	75.0	100.0
		Total	4	100.0	100.0	
Infrastructure regulation	Valid	Strongly Disagree	1	6.7	6.7	6.7
		Disagree	2	13.3	13.3	20.0
		Neither Agree nor Disagree	5	33.3	33.3	53.3
		Agree	7	46.7	46.7	100.0
		Total	15	100.0	100.0	
Enforcement	Valid	Disagree	3	50.0	50.0	50.0
		Neither Agree nor Disagree	2	33.3	33.3	83.3
		Agree	1	16.7	16.7	100.0
		Total	6	100.0	100.0	
Market studies and inquiries	Valid	Strongly Disagree	5	13.2	14.7	14.7
		Disagree	10	26.3	29.4	44.1
		Neither Agree nor Disagree	6	15.8	17.6	61.8
		Agree	10	26.3	29.4	91.2
		Strongly Agree	3	7.9	8.8	100.0
	Total	34	89.5	100.0		
Missing	Don't Know	4	10.5			
Total			38	100.0		
Consumer Data Right	Valid	Strongly Disagree	5	25.0	27.8	27.8
		Disagree	3	15.0	16.7	44.4
		Neither Agree nor Disagree	1	5.0	5.6	50.0
		Agree	6	30.0	33.3	83.3
		Strongly Agree	3	15.0	16.7	100.0
	Total	18	90.0	100.0		
Missing	Don't Know	2	10.0			
Total			20	100.0		

Business Stakeholder Survey 2023 results  
Principle 1: Continuous improvement and building trust

**q2. The ACCC's compliance and monitoring approaches are streamlined and coordinated**

Function Area			Frequency	Percent	Valid Percent	Cumulative Percent
Mergers and authorisation reviews	Valid	Disagree	2	12.5	12.5	12.5
		Neither Agree nor Disagree	3	18.8	18.8	31.3
		Agree	10	62.5	62.5	93.8
		Strongly Agree	1	6.3	6.3	100.0
		Total	16	100.0	100.0	
Product safety	Valid	Strongly Disagree	3	9.4	9.7	9.7
		Disagree	3	9.4	9.7	19.4
		Neither Agree nor Disagree	4	12.5	12.9	32.3
		Agree	21	65.6	67.7	100.0
		Total	31	96.9	100.0	
	Missing	Don't know	1	3.1		
Total		32	100.0			
Small business	Valid	Neither Agree nor Disagree	1	25.0	33.3	33.3
		Agree	1	25.0	33.3	66.7
		Strongly Agree	1	25.0	33.3	100.0
		Total	3	75.0	100.0	
	Missing	Don't know	1	25.0		
Total		4	100.0			
Infrastructure regulation	Valid	Disagree	3	20.0	25.0	25.0
		Neither Agree nor Disagree	2	13.3	16.7	41.7
		Agree	7	46.7	58.3	100.0
		Total	12	80.0	100.0	
	Missing	Don't know	3	20.0		
Total		15	100.0			
Enforcement	Valid	Disagree	2	33.3	33.3	33.3
		Agree	4	66.7	66.7	100.0
		Total	6	100.0	100.0	
Market studies and inquiries	Valid	Strongly Disagree	2	5.3	6.1	6.1
		Disagree	7	18.4	21.2	27.3
		Neither Agree nor Disagree	7	18.4	21.2	48.5
		Agree	16	42.1	48.5	97.0
		Strongly Agree	1	2.6	3.0	100.0
		Total	33	86.8	100.0	
	Missing	Don't know	5	13.2		
Total		38	100.0			
Consumer Data Right	Valid	Strongly Disagree	3	15.0	15.8	15.8
		Disagree	2	10.0	10.5	26.3
		Neither Agree nor Disagree	3	15.0	15.8	42.1
		Agree	9	45.0	47.4	89.5
		Strongly Agree	2	10.0	10.5	100.0
		Total	19	95.0	100.0	
	Missing	Don't know	1	5.0		
Total		20	100.0			

Business Stakeholder Survey 2023 results  
Principle 1: Continuous improvement and building trust

**q4a. The ACCC establishes cooperative and collaborative relationships with regulated businesses to improve the efficiency and effectiveness of the regulatory framework**

Function Area			Frequency	Percent	Valid Percent	Cumulative Percent
Mergers and authorisation reviews	Valid	Disagree	2	12.5	12.5	12.5
		Neither Agree nor Disagree	5	31.3	31.3	43.8
		Agree	9	56.3	56.3	100.0
		Total	16	100.0	100.0	
Product safety	Valid	Strongly Disagree	4	12.5	13.8	13.8
		Disagree	4	12.5	13.8	27.6
		Neither Agree nor Disagree	6	18.8	20.7	48.3
		Agree	13	40.6	44.8	93.1
		Strongly Agree	2	6.3	6.9	100.0
		Total	29	90.6	100.0	
	Missing	Don't Know	3	9.4		
	Total	32	100.0			
Small business	Valid	Disagree	1	25.0	25.0	25.0
		Neither Agree nor Disagree	1	25.0	25.0	50.0
		Agree	1	25.0	25.0	75.0
		Strongly Agree	1	25.0	25.0	100.0
		Total	4	100.0	100.0	
Infrastructure regulation	Valid	Disagree	2	13.3	13.3	13.3
		Neither Agree nor Disagree	3	20.0	20.0	33.3
		Agree	10	66.7	66.7	100.0
		Total	15	100.0	100.0	
Enforcement	Valid	Disagree	1	16.7	16.7	16.7
		Neither Agree nor Disagree	2	33.3	33.3	50.0
		Agree	3	50.0	50.0	100.0
		Total	6	100.0	100.0	
Market studies and inquiries	Valid	Strongly Disagree	3	7.9	9.1	9.1
		Disagree	7	18.4	21.2	30.3
		Neither Agree nor Disagree	7	18.4	21.2	51.5
		Agree	11	28.9	33.3	84.8
		Strongly Agree	5	13.2	15.2	100.0
		Total	33	86.8	100.0	
	Missing	Don't Know	4	10.5		
		System	1	2.6		
	Total	5	13.2			
	Total	38	100.0			
Consumer Data Right	Valid	Strongly Disagree	1	5.0	5.0	5.0
		Disagree	4	20.0	20.0	25.0
		Neither Agree nor Disagree	5	25.0	25.0	50.0
		Agree	7	35.0	35.0	85.0
		Strongly Agree	3	15.0	15.0	100.0
		Total	20	100.0	100.0	

Business Stakeholder Survey 2023 results  
Principle 1: Continuous improvement and building trust

**q4b. The ACCC engages with regulated businesses in the development of options to reduce compliance costs**

Function Area			Frequency	Percent	Valid Percent	Cumulative Percent
Mergers and authorisation reviews	Valid	Disagree	5	31.3	31.3	31.3
		Neither Agree nor Disagree	4	25.0	25.0	56.3
		Agree	7	43.8	43.8	100.0
		Total	16	100.0	100.0	
Product safety	Valid	Strongly Disagree	3	9.4	10.0	10.0
		Disagree	7	21.9	23.3	33.3
		Neither Agree nor Disagree	5	15.6	16.7	50.0
		Agree	15	46.9	50.0	100.0
		Total	30	93.8	100.0	
		Missing	Don't Know	2	6.3	
	Total		32	100.0		
Small business	Valid	Disagree	1	25.0	33.3	33.3
		Agree	2	50.0	66.7	100.0
		Total	3	75.0	100.0	
	Missing	Don't Know	1	25.0		
Total		4	100.0			
Infrastructure regulation	Valid	Strongly Disagree	1	6.7	7.1	7.1
		Disagree	5	33.3	35.7	42.9
		Neither Agree nor Disagree	4	26.7	28.6	71.4
		Agree	4	26.7	28.6	100.0
		Total	14	93.3	100.0	
	Missing	Don't Know	1	6.7		
Total		15	100.0			
Enforcement	Valid	Disagree	2	33.3	40.0	40.0
		Neither Agree nor Disagree	1	16.7	20.0	60.0
		Agree	2	33.3	40.0	100.0
		Total	5	83.3	100.0	
	Missing	Don't Know	1	16.7		
Total		6	100.0			
Market studies and inquiries	Valid	Strongly Disagree	4	10.5	13.3	13.3
		Disagree	12	31.6	40.0	53.3
		Neither Agree nor Disagree	8	21.1	26.7	80.0
		Agree	4	10.5	13.3	93.3
		Strongly Agree	2	5.3	6.7	100.0
		Total	30	78.9	100.0	
	Missing	Don't Know	7	18.4		
		System	1	2.6		
Total		8	21.1			
Total		38	100.0			
Consumer Data Right	Valid	Strongly Disagree	4	20.0	20.0	20.0
		Disagree	5	25.0	25.0	45.0
		Neither Agree nor Disagree	4	20.0	20.0	65.0
		Agree	6	30.0	30.0	95.0
		Strongly Agree	1	5.0	5.0	100.0
		Total	20	100.0	100.0	

Business Stakeholder Survey 2023 results  
Principle 1: Continuous improvement and building trust

**q4c. The ACCC shares feedback from stakeholders with policy departments to improve the regulatory framework**

Function Area			Frequency	Percent	Valid Percent	Cumulative Percent
Mergers and authorisation reviews	Valid	Neither Agree nor Disagree	7	43.8	63.6	63.6
		Agree	4	25.0	36.4	100.0
		Total	11	68.8	100.0	
	Missing	Don't Know	5	31.3		
	Total		16	100.0		
Product safety	Valid	Strongly Disagree	2	6.3	8.3	8.3
		Disagree	3	9.4	12.5	20.8
		Neither Agree nor Disagree	8	25.0	33.3	54.2
		Agree	11	34.4	45.8	100.0
	Total	24	75.0	100.0		
Missing	Don't Know	8	25.0			
Total		32	100.0			
Small business	Valid	Neither Agree nor Disagree	1	25.0	50.0	50.0
		Agree	1	25.0	50.0	100.0
		Total	2	50.0	100.0	
	Missing	Don't Know	2	50.0		
Total		4	100.0			
Infrastructure regulation	Valid	Disagree	2	13.3	22.2	22.2
		Neither Agree nor Disagree	3	20.0	33.3	55.6
		Agree	3	20.0	33.3	88.9
		Strongly Agree	1	6.7	11.1	100.0
		Total	9	60.0	100.0	
	Missing	Don't Know	6	40.0		
Total		15	100.0			
Enforcement	Valid	Neither Agree nor Disagree	2	33.3	66.7	66.7
		Agree	1	16.7	33.3	100.0
		Total	3	50.0	100.0	
	Missing	Don't Know	3	50.0		
Total		6	100.0			
Market studies and inquiries	Valid	Disagree	1	2.6	4.8	4.8
		Neither Agree nor Disagree	8	21.1	38.1	42.9
		Agree	9	23.7	42.9	85.7
		Strongly Agree	3	7.9	14.3	100.0
		Total	21	55.3	100.0	
	Missing	Don't Know	17	44.7		
Total		38	100.0			
Consumer Data Right	Valid	Strongly Disagree	1	5.0	6.7	6.7
		Disagree	2	10.0	13.3	20.0
		Neither Agree nor Disagree	5	25.0	33.3	53.3
		Agree	5	25.0	33.3	86.7
		Strongly Agree	2	10.0	13.3	100.0
		Total	15	75.0	100.0	
	Missing	Don't Know	5	25.0		
Total		20	100.0			



Business Stakeholder Survey 2023 results  
Principle 1: Continuous improvement and building trust

**q4d. The ACCC maintains an awareness of how regulatory frameworks impact different types of businesses (different sizes, industries, etc.)**

Function Area			Frequency	Percent	Valid Percent	Cumulative Percent
Mergers and authorisation reviews	Valid	Disagree	4	25.0	25.0	25.0
		Neither Agree nor Disagree	3	18.8	18.8	43.8
		Agree	9	56.3	56.3	100.0
		Total	16	100.0	100.0	
Product safety	Valid	Strongly Disagree	3	9.4	12.0	12.0
		Disagree	5	15.6	20.0	32.0
		Neither Agree nor Disagree	8	25.0	32.0	64.0
		Agree	9	28.1	36.0	100.0
		Total	25	78.1	100.0	
	Missing	Don't Know	7	21.9		
Total			32	100.0		
Small business	Valid	Neither Agree nor Disagree	2	50.0	50.0	50.0
		Agree	2	50.0	50.0	100.0
		Total	4	100.0	100.0	
Infrastructure regulation	Valid	Disagree	4	26.7	30.8	30.8
		Neither Agree nor Disagree	3	20.0	23.1	53.8
		Agree	3	20.0	23.1	76.9
		Strongly Agree	3	20.0	23.1	100.0
		Total	13	86.7	100.0	
	Missing	Don't Know	2	13.3		
Total			15	100.0		
Enforcement	Valid	Strongly Disagree	1	16.7	16.7	16.7
		Disagree	1	16.7	16.7	33.3
		Neither Agree nor Disagree	3	50.0	50.0	83.3
		Agree	1	16.7	16.7	100.0
		Total	6	100.0	100.0	
Market studies and inquiries	Valid	Strongly Disagree	4	10.5	13.3	13.3
		Disagree	5	13.2	16.7	30.0
		Neither Agree nor Disagree	7	18.4	23.3	53.3
		Agree	13	34.2	43.3	96.7
		Strongly Agree	1	2.6	3.3	100.0
	Total	30	78.9	100.0		
Missing	Don't Know	8	21.1			
Total			38	100.0		
Consumer Data Right	Valid	Strongly Disagree	3	15.0	20.0	20.0
		Disagree	4	20.0	26.7	46.7
		Neither Agree nor Disagree	2	10.0	13.3	60.0
		Agree	4	20.0	26.7	86.7
		Strongly Agree	2	10.0	13.3	100.0
		Total	15	75.0	100.0	
	Missing	Don't Know	5	25.0		
Total			20	100.0		

Business Stakeholder Survey 2023 results  
Principle 1: Continuous improvement and building trust

**q4e. The ACCC considers how technological change interacts with regulatory frameworks**

Function Area			Frequency	Percent	Valid Percent	Cumulative Percent
Mergers and authorisation reviews	Valid	Disagree	1	6.3	6.7	6.7
		Neither Agree nor Disagree	2	12.5	13.3	20.0
		Agree	11	68.8	73.3	93.3
		Strongly Agree	1	6.3	6.7	100.0
		Total	15	93.8	100.0	
	Missing	Don't Know	1	6.3		
Total			16	100.0		
Product safety	Valid	Strongly Disagree	1	3.1	4.0	4.0
		Disagree	4	12.5	16.0	20.0
		Neither Agree nor Disagree	6	18.8	24.0	44.0
		Agree	13	40.6	52.0	96.0
		Strongly Agree	1	3.1	4.0	100.0
	Total	25	78.1	100.0		
Missing	Don't Know	7	21.9			
Total			32	100.0		
Small business	Valid	Neither Agree nor Disagree	1	25.0	33.3	33.3
		Agree	2	50.0	66.7	100.0
		Total	3	75.0	100.0	
	Missing	Don't Know	1	25.0		
Total			4	100.0		
Infrastructure regulation	Valid	Disagree	4	26.7	26.7	26.7
		Neither Agree nor Disagree	5	33.3	33.3	60.0
		Agree	3	20.0	20.0	80.0
		Strongly Agree	3	20.0	20.0	100.0
		Total	15	100.0	100.0	
Enforcement	Valid	Neither Agree nor Disagree	1	16.7	20.0	20.0
		Agree	4	66.7	80.0	100.0
		Total	5	83.3	100.0	
	Missing	Don't Know	1	16.7		
Total			6	100.0		
Market studies and inquiries	Valid	Strongly Disagree	3	7.9	10.7	10.7
		Disagree	1	2.6	3.6	14.3
		Neither Agree nor Disagree	14	36.8	50.0	64.3
		Agree	9	23.7	32.1	96.4
		Strongly Agree	1	2.6	3.6	100.0
	Total	28	73.7	100.0		
Missing	Don't Know	10	26.3			
Total			38	100.0		
Consumer Data Right	Valid	Strongly Disagree	1	5.0	5.9	5.9
		Disagree	4	20.0	23.5	29.4
		Neither Agree nor Disagree	8	40.0	47.1	76.5
		Agree	3	15.0	17.6	94.1
		Strongly Agree	1	5.0	5.9	100.0
		Total	17	85.0	100.0	
	Missing	Don't Know	3	15.0		
Total			20	100.0		

Business Stakeholder Survey 2023 results  
Principle 1: Continuous improvement and building trust

**q5. The ACCC actively contributes to the continuous improvement of regulatory frameworks**

Function Area			Frequency	Percent	Valid Percent	Cumulative Percent
Mergers and authorisation reviews	Valid	Disagree	1	6.3	6.3	6.3
		Neither Agree nor Disagree	3	18.8	18.8	25.0
		Agree	12	75.0	75.0	100.0
		Total	16	100.0	100.0	
Product safety	Valid	Strongly Disagree	2	6.3	7.1	7.1
		Disagree	3	9.4	10.7	17.9
		Neither Agree nor Disagree	9	28.1	32.1	50.0
		Agree	13	40.6	46.4	96.4
		Strongly Agree	1	3.1	3.6	100.0
		Total	28	87.5	100.0	
	Missing	Don't know	4	12.5		
	Total	32	100.0			
Small business	Valid	Disagree	1	25.0	50.0	50.0
		Agree	1	25.0	50.0	100.0
		Total	2	50.0	100.0	
	Missing	Don't know	2	50.0		
	Total	4	100.0			
Infrastructure regulation	Valid	Strongly Disagree	1	6.7	6.7	6.7
		Disagree	2	13.3	13.3	20.0
		Neither Agree nor Disagree	7	46.7	46.7	66.7
		Agree	2	13.3	13.3	80.0
		Strongly Agree	3	20.0	20.0	100.0
		Total	15	100.0	100.0	
Enforcement	Valid	Neither Agree nor Disagree	2	33.3	33.3	33.3
		Agree	4	66.7	66.7	100.0
		Total	6	100.0	100.0	
Market studies and inquiries	Valid	Strongly Disagree	2	5.3	6.3	6.3
		Disagree	6	15.8	18.8	25.0
		Neither Agree nor Disagree	12	31.6	37.5	62.5
		Agree	9	23.7	28.1	90.6
		Strongly Agree	3	7.9	9.4	100.0
		Total	32	84.2	100.0	
	Missing	Don't know	6	15.8		
	Total	38	100.0			
Consumer Data Right	Valid	Strongly Disagree	1	5.0	5.9	5.9
		Disagree	2	10.0	11.8	17.6
		Neither Agree nor Disagree	4	20.0	23.5	41.2
		Agree	9	45.0	52.9	94.1
		Strongly Agree	1	5.0	5.9	100.0
		Total	17	85.0	100.0	
	Missing	Don't know	3	15.0		
	Total	20	100.0			

Business Stakeholder Survey 2023 results  
Principle 2: Risk-based and data driven

q7a. The ACCC understands the operating environments of the businesses it regulates

Function Area			Frequency	Percent	Valid Percent	Cumulative Percent
Mergers and authorisation reviews	Valid	Disagree	5	31.3	33.3	33.3
		Neither Agree nor Disagree	2	12.5	13.3	46.7
		Agree	7	43.8	46.7	93.3
		Strongly Agree	1	6.3	6.7	100.0
		Total	15	93.8	100.0	
		Missing	System	1	6.3	
	Total		16	100.0		
Product safety	Valid	Strongly Disagree	2	6.3	7.1	7.1
		Disagree	5	15.6	17.9	25.0
		Neither Agree nor Disagree	5	15.6	17.9	42.9
		Agree	16	50.0	57.1	100.0
		Total	28	87.5	100.0	
		Missing	System	1	3.1	
		Don't Know	3	9.4		
	Total	4	12.5			
Total		32	100.0			
Small business	Valid	Neither Agree nor Disagree	1	25.0	25.0	25.0
		Agree	3	75.0	75.0	100.0
		Total	4	100.0	100.0	
Infrastructure regulation	Valid	Strongly Disagree	1	6.7	6.7	6.7
		Disagree	6	40.0	40.0	46.7
		Neither Agree nor Disagree	2	13.3	13.3	60.0
		Agree	3	20.0	20.0	80.0
		Strongly Agree	3	20.0	20.0	100.0
		Total	15	100.0	100.0	
Enforcement	Valid	Disagree	2	33.3	40.0	40.0
		Neither Agree nor Disagree	1	16.7	20.0	60.0
		Agree	2	33.3	40.0	100.0
		Total	5	83.3	100.0	
		Missing	System	1	16.7	
Total		6	100.0			
Market studies and inquiries	Valid	Strongly Disagree	6	15.8	17.1	17.1
		Disagree	5	13.2	14.3	31.4
		Neither Agree nor Disagree	8	21.1	22.9	54.3
		Agree	15	39.5	42.9	97.1
		Strongly Agree	1	2.6	2.9	100.0
		Total	35	92.1	100.0	
		Missing	System	3	7.9	
Total		38	100.0			
Consumer Data Right	Valid	Strongly Disagree	4	20.0	21.1	21.1
		Disagree	5	25.0	26.3	47.4
		Neither Agree nor Disagree	3	15.0	15.8	63.2
		Agree	6	30.0	31.6	94.7
		Strongly Agree	1	5.0	5.3	100.0
		Total	19	95.0	100.0	
		Missing	System	1	5.0	
	Total		20	100.0		

Business Stakeholder Survey 2023 results  
Principle 2: Risk-based and data driven

**q7b. The ACCC takes into consideration emerging issues that affect the industry sector**

Function Area			Frequency	Percent	Valid Percent	Cumulative Percent
Mergers and authorisation reviews	Valid	Disagree	1	6.3	6.7	6.7
		Neither Agree nor Disagree	1	6.3	6.7	13.3
		Agree	13	81.3	86.7	100.0
		Total	15	93.8	100.0	
	Missing	System	1	6.3		
	Total	16	100.0			
Product safety	Valid	Disagree	4	12.5	14.3	14.3
		Neither Agree nor Disagree	7	21.9	25.0	39.3
		Agree	17	53.1	60.7	100.0
		Total	28	87.5	100.0	
	Missing	System	2	6.3		
	Don't Know	2	6.3			
	Total	4	12.5			
	Total	32	100.0			
Small business	Valid	Agree	3	75.0	100.0	100.0
	Missing	Don't Know	1	25.0		
	Total		4	100.0		
Infrastructure regulation	Valid	Disagree	5	33.3	33.3	33.3
		Neither Agree nor Disagree	1	6.7	6.7	40.0
		Agree	8	53.3	53.3	93.3
		Strongly Agree	1	6.7	6.7	100.0
	Total	15	100.0	100.0		
Enforcement	Valid	Disagree	2	33.3	40.0	40.0
		Neither Agree nor Disagree	1	16.7	20.0	60.0
		Agree	2	33.3	40.0	100.0
		Total	5	83.3	100.0	
	Missing	System	1	16.7		
	Total	6	100.0			
Market studies and inquiries	Valid	Strongly Disagree	3	7.9	8.8	8.8
		Disagree	6	15.8	17.6	26.5
		Neither Agree nor Disagree	8	21.1	23.5	50.0
		Agree	16	42.1	47.1	97.1
		Strongly Agree	1	2.6	2.9	100.0
		Total	34	89.5	100.0	
	Missing	System	3	7.9		
	Don't Know	1	2.6			
	Total	4	10.5			
	Total	38	100.0			
Consumer Data Right	Valid	Strongly Disagree	1	5.0	6.7	6.7
		Disagree	3	15.0	20.0	26.7
		Neither Agree nor Disagree	2	10.0	13.3	40.0
		Agree	8	40.0	53.3	93.3
		Strongly Agree	1	5.0	6.7	100.0
		Total	15	75.0	100.0	
	Missing	System	2	10.0		
		Don't Know	3	15.0		
	Total	5	25.0			
	Total	20	100.0			

Business Stakeholder Survey 2023 results  
Principle 2: Risk-based and data driven

**q7c. The ACCC takes into consideration the potential for unintended negative impacts of its regulatory activities on businesses**

Function Area			Frequency	Percent	Valid Percent	Cumulative Percent
Mergers and authorisation reviews	Valid	Strongly Disagree	1	6.3	6.7	6.7
		Disagree	4	25.0	26.7	33.3
		Neither Agree nor Disagree	4	25.0	26.7	60.0
		Agree	6	37.5	40.0	100.0
		Total	15	93.8	100.0	
	Missing	System	1	6.3		
	Total	16	100.0			
Product safety	Valid	Strongly Disagree	2	6.3	7.4	7.4
		Disagree	4	12.5	14.8	22.2
		Neither Agree nor Disagree	10	31.3	37.0	59.3
		Agree	11	34.4	40.7	100.0
		Total	27	84.4	100.0	
	Missing	System	1	3.1		
	Don't Know	4	12.5			
	Total	5	15.6			
	Total	32	100.0			
Small business	Valid	Disagree	1	25.0	25.0	25.0
		Neither Agree nor Disagree	1	25.0	25.0	50.0
		Agree	2	50.0	50.0	100.0
		Total	4	100.0	100.0	
Infrastructure regulation	Valid	Strongly Disagree	1	6.7	6.7	6.7
		Disagree	4	26.7	26.7	33.3
		Neither Agree nor Disagree	6	40.0	40.0	73.3
		Agree	3	20.0	20.0	93.3
		Strongly Agree	1	6.7	6.7	100.0
		Total	15	100.0	100.0	
Enforcement	Valid	Disagree	2	33.3	40.0	40.0
		Neither Agree nor Disagree	1	16.7	20.0	60.0
		Agree	2	33.3	40.0	100.0
		Total	5	83.3	100.0	
		Missing	System	1	16.7	
	Total	6	100.0			
Market studies and inquiries	Valid	Strongly Disagree	6	15.8	18.2	18.2
		Disagree	10	26.3	30.3	48.5
		Neither Agree nor Disagree	6	15.8	18.2	66.7
		Agree	9	23.7	27.3	93.9
		Strongly Agree	2	5.3	6.1	100.0
		Total	33	86.8	100.0	
	Missing	System	3	7.9		
		Don't Know	2	5.3		
	Total	5	13.2			
	Total	38	100.0			
Consumer Data Right	Valid	Strongly Disagree	2	10.0	11.1	11.1
		Disagree	6	30.0	33.3	44.4
		Neither Agree nor Disagree	5	25.0	27.8	72.2
		Agree	4	20.0	22.2	94.4
		Strongly Agree	1	5.0	5.6	100.0
		Total	18	90.0	100.0	
	Missing	System	1	5.0		
		Don't Know	1	5.0		
	Total	2	10.0			
	Total	20	100.0			

Business Stakeholder Survey 2023 results  
Principle 2: Risk-based and data driven

q7d. The ACCC's decisions and actions are taken in a timely manner, reflecting the complexity and nature of the matter

Function Area			Frequency	Percent	Valid Percent	Cumulative Percent	
Mergers and authorisation reviews	Valid	Disagree	4	25.0	26.7	26.7	
		Neither Agree nor Disagree	4	25.0	26.7	53.3	
		Agree	6	37.5	40.0	93.3	
		Strongly Agree	1	6.3	6.7	100.0	
		Total	15	93.8	100.0		
		Missing	System	1	6.3		
	Total		16	100.0			
Product safety	Valid	Strongly Disagree	4	12.5	13.8	13.8	
		Disagree	4	12.5	13.8	27.6	
		Neither Agree nor Disagree	7	21.9	24.1	51.7	
		Agree	14	43.8	48.3	100.0	
		Total	29	90.6	100.0		
		Missing	System	1	3.1		
		Don't Know	2	6.3			
	Total	3	9.4				
Total		32	100.0				
Small business	Valid	Disagree	1	25.0	25.0	25.0	
		Agree	3	75.0	75.0	100.0	
		Total	4	100.0	100.0		
Infrastructure regulation	Valid	Disagree	5	33.3	33.3	33.3	
		Neither Agree nor Disagree	4	26.7	26.7	60.0	
		Agree	5	33.3	33.3	93.3	
		Strongly Agree	1	6.7	6.7	100.0	
		Total	15	100.0	100.0		
		Missing	System	1	16.7		
Total		6	100.0				
Market studies and inquiries	Valid	Strongly Disagree	3	7.9	8.8	8.8	
		Disagree	5	13.2	14.7	23.5	
		Neither Agree nor Disagree	8	21.1	23.5	47.1	
		Agree	18	47.4	52.9	100.0	
		Total	34	89.5	100.0		
		Missing	System	3	7.9		
		Don't Know	1	2.6			
	Total	4	10.5				
Total		38	100.0				
Consumer Data Right	Valid	Strongly Disagree	3	15.0	16.7	16.7	
		Disagree	3	15.0	16.7	33.3	
		Neither Agree nor Disagree	8	40.0	44.4	77.8	
		Agree	3	15.0	16.7	94.4	
		Strongly Agree	1	5.0	5.6	100.0	
		Total	18	90.0	100.0		
		Missing	System	1	5.0		
			Don't Know	1	5.0		
		Total	2	10.0			
Total		20	100.0				

Business Stakeholder Survey 2023 results  
Principle 2: Risk-based and data driven

**q7e. The ACCC works with stakeholders to identify opportunities to minimise the compliance burden, whilst not undermining the intent of the primary legislation**

Function Area			Frequency	Percent	Valid Percent	Cumulative Percent
Mergers and authorisation reviews	Valid	Disagree	4	25.0	26.7	26.7
		Neither Agree nor Disagree	2	12.5	13.3	40.0
		Agree	9	56.3	60.0	100.0
		Total	15	93.8	100.0	
	Missing	System	1	6.3		
	Total	16	100.0			
Product safety	Valid	Strongly Disagree	2	6.3	7.7	7.7
		Disagree	6	18.8	23.1	30.8
		Neither Agree nor Disagree	5	15.6	19.2	50.0
		Agree	11	34.4	42.3	92.3
		Strongly Agree	2	6.3	7.7	100.0
		Total	26	81.3	100.0	
	Missing	System	1	3.1		
	Don't Know	5	15.6			
	Total	6	18.8			
	Total	32	100.0			
Small business	Valid	Disagree	1	25.0	25.0	25.0
		Neither Agree nor Disagree	1	25.0	25.0	50.0
		Agree	2	50.0	50.0	100.0
		Total	4	100.0	100.0	
Infrastructure regulation	Valid	Strongly Disagree	1	6.7	7.1	7.1
		Disagree	6	40.0	42.9	50.0
		Neither Agree nor Disagree	4	26.7	28.6	78.6
		Agree	2	13.3	14.3	92.9
		Strongly Agree	1	6.7	7.1	100.0
	Total	14	93.3	100.0		
Missing	Don't Know	1	6.7			
	Total	15	100.0			
Enforcement	Valid	Strongly Disagree	1	16.7	20.0	20.0
		Disagree	1	16.7	20.0	40.0
		Agree	3	50.0	60.0	100.0
		Total	5	83.3	100.0	
	Missing	System	1	16.7		
	Total	6	100.0			
Market studies and inquiries	Valid	Strongly Disagree	5	13.2	16.1	16.1
		Disagree	9	23.7	29.0	45.2
		Neither Agree nor Disagree	5	13.2	16.1	61.3
		Agree	10	26.3	32.3	93.5
		Strongly Agree	2	5.3	6.5	100.0
		Total	31	81.6	100.0	
	Missing	System	3	7.9		
	Don't Know	4	10.5			
	Total	7	18.4			
	Total	38	100.0			
Consumer Data Right	Valid	Strongly Disagree	2	10.0	11.1	11.1
		Disagree	5	25.0	27.8	38.9
		Neither Agree nor Disagree	5	25.0	27.8	66.7
		Agree	5	25.0	27.8	94.4
		Strongly Agree	1	5.0	5.6	100.0
		Total	18	90.0	100.0	
	Missing	System	1	5.0		
	Don't Know	1	5.0			
	Total	2	10.0			
	Total	20	100.0			



Business Stakeholder Survey 2023 results  
Principle 2: Risk-based and data driven

**q8. The ACCC does not unnecessarily impede the efficient operation of regulated entities**

Function Area			Frequency	Percent	Valid Percent	Cumulative Percent
Mergers and authorisation reviews	Valid	Disagree	3	18.8	21.4	21.4
		Neither Agree nor Disagree	4	25.0	28.6	50.0
		Agree	7	43.8	50.0	100.0
		Total	14	87.5	100.0	
	Missing	Don't know	1	6.3		
		System	1	6.3		
		Total	2	12.5		
<b>Total</b>			<b>16</b>	<b>100.0</b>		
Product safety	Valid	Strongly Disagree	1	3.1	3.2	3.2
		Disagree	4	12.5	12.9	16.1
		Neither Agree nor Disagree	9	28.1	29.0	45.2
		Agree	15	46.9	48.4	93.5
		Strongly Agree	2	6.3	6.5	100.0
		Total	31	96.9	100.0	
	Missing	System	1	3.1		
<b>Total</b>			<b>32</b>	<b>100.0</b>		
Small business	Valid	Neither Agree nor Disagree	1	25.0	25.0	25.0
		Agree	3	75.0	75.0	100.0
		Total	4	100.0	100.0	
Infrastructure regulation	Valid	Strongly Disagree	1	6.7	6.7	6.7
		Disagree	6	40.0	40.0	46.7
		Neither Agree nor Disagree	2	13.3	13.3	60.0
		Agree	6	40.0	40.0	100.0
		Total	15	100.0	100.0	
		Missing	System	1	6.7	
<b>Total</b>			<b>16</b>	<b>100.0</b>		
Enforcement	Valid	Neither Agree nor Disagree	2	33.3	50.0	50.0
		Agree	2	33.3	50.0	100.0
		Total	4	66.7	100.0	
	Missing	System	2	33.3		
<b>Total</b>			<b>6</b>	<b>100.0</b>		
Market studies and inquiries	Valid	Strongly Disagree	4	10.5	11.8	11.8
		Disagree	7	18.4	20.6	32.4
		Neither Agree nor Disagree	8	21.1	23.5	55.9
		Agree	14	36.8	41.2	97.1
		Strongly Agree	1	2.6	2.9	100.0
		Total	34	89.5	100.0	
	Missing	Don't know	1	2.6		
		System	3	7.9		
Total		4	10.5			
<b>Total</b>			<b>38</b>	<b>100.0</b>		
Consumer Data Right	Valid	Strongly Disagree	2	10.0	11.1	11.1
		Disagree	6	30.0	33.3	44.4
		Neither Agree nor Disagree	4	20.0	22.2	66.7
		Agree	5	25.0	27.8	94.4
		Strongly Agree	1	5.0	5.6	100.0
		Total	18	90.0	100.0	
	Missing	Don't know	1	5.0		
		System	1	5.0		
Total		2	10.0			
<b>Total</b>			<b>20</b>	<b>100.0</b>		

Business Stakeholder Survey 2023 results  
Principle 2: Risk-based and data driven

**q10a. The ACCC applies a risk based, proportionate approach to compliance obligations, enforcement actions and regulatory decisions**

Function Area			Frequency	Percent	Valid Percent	Cumulative Percent
Mergers and authorisation reviews	Valid	Disagree	3	18.8	20.0	20.0
		Neither Agree nor Disagree	1	6.3	6.7	26.7
		Agree	10	62.5	66.7	93.3
		Strongly Agree	1	6.3	6.7	100.0
		Total	15	93.8	100.0	
	Missing	System	1	6.3		
	Total	16	100.0			
Product safety	Valid	Strongly Disagree	2	6.3	7.1	7.1
		Disagree	2	6.3	7.1	14.3
		Neither Agree nor Disagree	9	28.1	32.1	46.4
		Agree	12	37.5	42.9	89.3
		Strongly Agree	3	9.4	10.7	100.0
	Total	28	87.5	100.0		
	Missing	System	2	6.3		
	Don't Know	2	6.3			
	Total	4	12.5			
	Total	32	100.0			
Small business	Valid	Neither Agree nor Disagree	1	25.0	33.3	33.3
		Agree	2	50.0	66.7	100.0
		Total	3	75.0	100.0	
Missing	Don't Know	1	25.0			
	Total	4	100.0			
Infrastructure regulation	Valid	Strongly Disagree	2	13.3	13.3	13.3
		Disagree	4	26.7	26.7	40.0
		Neither Agree nor Disagree	5	33.3	33.3	73.3
		Agree	2	13.3	13.3	86.7
		Strongly Agree	2	13.3	13.3	100.0
	Total	15	100.0	100.0		
Enforcement	Valid	Strongly Disagree	1	16.7	25.0	25.0
	Disagree	1	16.7	25.0	50.0	
	Agree	2	33.3	50.0	100.0	
	Total	4	66.7	100.0		
	Missing	System	2	33.3		
	Total	6	100.0			
Market studies and inquiries	Valid	Strongly Disagree	5	13.2	17.2	17.2
		Disagree	6	15.8	20.7	37.9
		Neither Agree nor Disagree	8	21.1	27.6	65.5
		Agree	8	21.1	27.6	93.1
		Strongly Agree	2	5.3	6.9	100.0
		Total	29	76.3	100.0	
	Missing	System	6	15.8		
		Don't Know	3	7.9		
	Total	9	23.7			
	Total	38	100.0			
Consumer Data Right	Valid	Strongly Disagree	2	10.0	11.8	11.8
		Disagree	2	10.0	11.8	23.5
		Neither Agree nor Disagree	6	30.0	35.3	58.8
		Agree	5	25.0	29.4	88.2
		Strongly Agree	2	10.0	11.8	100.0
	Total	17	85.0	100.0		
	Missing	System	1	5.0		
	Don't Know	2	10.0			
	Total	3	15.0			
	Total	20	100.0			

Business Stakeholder Survey 2023 results  
Principle 2: Risk-based and data driven

**q10b. The ACCC's strategies, activities and enforcement actions reflect changing priorities that result from new and evolving risks**

Function Area			Frequency	Percent	Valid Percent	Cumulative Percent
Mergers and authorisation reviews	Valid	Neither Agree nor Disagree	2	12.5	13.3	13.3
		Agree	9	56.3	60.0	73.3
		Strongly Agree	4	25.0	26.7	100.0
		Total	15	93.8	100.0	
	Missing	System	1	6.3		
Total			16	100.0		
Product safety	Valid	Disagree	1	3.1	3.7	3.7
		Neither Agree nor Disagree	11	34.4	40.7	44.4
		Agree	13	40.6	48.1	92.6
		Strongly Agree	2	6.3	7.4	100.0
		Total	27	84.4	100.0	
	Missing	System	2	6.3		
		Don't Know	3	9.4		
Total			5	15.6		
Total			32	100.0		
Small business	Valid	Neither Agree nor Disagree	1	25.0	33.3	33.3
		Agree	1	25.0	33.3	66.7
		Strongly Agree	1	25.0	33.3	100.0
		Total	3	75.0	100.0	
	Missing	Don't Know	1	25.0		
Total			4	100.0		
Infrastructure regulation	Valid	Disagree	3	20.0	20.0	20.0
		Neither Agree nor Disagree	5	33.3	33.3	53.3
		Agree	6	40.0	40.0	93.3
		Strongly Agree	1	6.7	6.7	100.0
		Total	15	100.0	100.0	
Enforcement	Valid	Neither Agree nor Disagree	1	16.7	25.0	25.0
		Agree	3	50.0	75.0	100.0
		Total	4	66.7	100.0	
		Missing	System	2	33.3	
	Total			6	100.0	
Market studies and inquiries	Valid	Strongly Disagree	4	10.5	14.3	14.3
		Disagree	2	5.3	7.1	21.4
		Neither Agree nor Disagree	8	21.1	28.6	50.0
		Agree	12	31.6	42.9	92.9
		Strongly Agree	2	5.3	7.1	100.0
		Total	28	73.7	100.0	
		Missing	System	6	15.8	
	Don't Know		4	10.5		
Total			10	26.3		
Total			38	100.0		
Consumer Data Right	Valid	Strongly Disagree	1	5.0	6.7	6.7
		Disagree	1	5.0	6.7	13.3
		Neither Agree nor Disagree	5	25.0	33.3	46.7
		Agree	6	30.0	40.0	86.7
		Strongly Agree	2	10.0	13.3	100.0
		Total	15	75.0	100.0	
	Missing	System	1	5.0		
		Don't Know	4	20.0		
		Total	5	25.0		
Total			20	100.0		

Business Stakeholder Survey 2023 results  
Principle 2: Risk-based and data driven

**q10c. The ACCC recognises the compliance systems and processes of regulated businesses**

Function Area			Frequency	Percent	Valid Percent	Cumulative Percent	
Mergers and authorisation reviews	Valid	Disagree	2	12.5	13.3	13.3	
		Neither Agree nor Disagree	3	18.8	20.0	33.3	
		Agree	9	56.3	60.0	93.3	
		Strongly Agree	1	6.3	6.7	100.0	
		Total	15	93.8	100.0		
	Missing	System	1	6.3			
Total			16	100.0			
Product safety	Valid	Strongly Disagree	1	3.1	3.7	3.7	
		Disagree	5	15.6	18.5	22.2	
		Neither Agree nor Disagree	7	21.9	25.9	48.1	
		Agree	12	37.5	44.4	92.6	
		Strongly Agree	2	6.3	7.4	100.0	
		Total	27	84.4	100.0		
	Missing	System	2	6.3			
	Don't Know	3	9.4				
	Total	5	15.6				
Total			32	100.0			
Small business	Valid	Agree	4	100.0	100.0	100.0	
Infrastructure regulation	Valid	Disagree	3	20.0	20.0	20.0	
		Neither Agree nor Disagree	7	46.7	46.7	66.7	
		Agree	4	26.7	26.7	93.3	
		Strongly Agree	1	6.7	6.7	100.0	
		Total	15	100.0	100.0		
Enforcement	Valid	Agree	2	33.3	66.7	66.7	
		Strongly Agree	1	16.7	33.3	100.0	
		Total	3	50.0	100.0		
	Missing	System	3	50.0			
Total			6	100.0			
Market studies and inquiries	Valid	Strongly Disagree	5	13.2	19.2	19.2	
		Disagree	1	2.6	3.8	23.1	
		Neither Agree nor Disagree	7	18.4	26.9	50.0	
		Agree	12	31.6	46.2	96.2	
		Strongly Agree	1	2.6	3.8	100.0	
		Total	26	68.4	100.0		
	Missing	System	6	15.8			
	Don't Know	6	15.8				
	Total	12	31.6				
Total			38	100.0			
Consumer Data Right	Valid	Strongly Disagree	2	10.0	13.3	13.3	
		Disagree	1	5.0	6.7	20.0	
		Neither Agree nor Disagree	6	30.0	40.0	60.0	
		Agree	5	25.0	33.3	93.3	
		Strongly Agree	1	5.0	6.7	100.0	
		Total	15	75.0	100.0		
	Missing	System		2	10.0		
				3	15.0		
				5	25.0		
				5	25.0		
Total			20	100.0			

Business Stakeholder Survey 2023 results  
Principle 2: Risk-based and data driven

**q11. The actions undertaken by the ACCC are proportionate to the regulatory risk being managed**

Function Area			Frequency	Percent	Valid Percent	Cumulative Percent
Mergers and authorisation reviews	Valid	Disagree	3	18.8	21.4	21.4
		Neither Agree nor Disagree	5	31.3	35.7	57.1
		Agree	5	31.3	35.7	92.9
		Strongly Agree	1	6.3	7.1	100.0
		Total	14	87.5	100.0	
		Missing	System	2	12.5	
	Total		16	100.0		
Product safety	Valid	Strongly Disagree	2	6.3	6.9	6.9
		Disagree	1	3.1	3.4	10.3
		Neither Agree nor Disagree	9	28.1	31.0	41.4
		Agree	15	46.9	51.7	93.1
		Strongly Agree	2	6.3	6.9	100.0
		Total	29	90.6	100.0	
	Missing	System	2	6.3		
		Don't know	1	3.1		
Total		3	9.4			
Total		32	100.0			
Small business	Valid	Agree	3	75.0	75.0	75.0
		Strongly Agree	1	25.0	25.0	100.0
		Total	4	100.0	100.0	
Infrastructure regulation	Valid	Strongly Disagree	1	6.7	6.7	6.7
		Disagree	3	20.0	20.0	26.7
		Neither Agree nor Disagree	6	40.0	40.0	66.7
		Agree	3	20.0	20.0	86.7
		Strongly Agree	2	13.3	13.3	100.0
		Total	15	100.0	100.0	
	Missing	System	3	50.0		
Total		6	100.0			
Enforcement	Valid	Neither Agree nor Disagree	1	16.7	33.3	33.3
		Agree	2	33.3	66.7	100.0
		Total	3	50.0	100.0	
		Missing	System	3	50.0	
	Total		6	100.0		
Market studies and inquiries	Valid	Strongly Disagree	4	10.5	14.3	14.3
		Disagree	6	15.8	21.4	35.7
		Neither Agree nor Disagree	9	23.7	32.1	67.9
		Agree	8	21.1	28.6	96.4
		Strongly Agree	1	2.6	3.6	100.0
		Total	28	73.7	100.0	
		Missing	System	7	18.4	
	Don't know		3	7.9		
	Total		10	26.3		
Total		38	100.0			
Consumer Data Right	Valid	Strongly Disagree	1	5.0	5.6	5.6
		Disagree	4	20.0	22.2	27.8
		Neither Agree nor Disagree	6	30.0	33.3	61.1
		Agree	6	30.0	33.3	94.4
		Strongly Agree	1	5.0	5.6	100.0
		Total	18	90.0	100.0	
		Missing	System	1	5.0	
	Don't know		1	5.0		
	Total		2	10.0		
	Total		20	100.0		

Business Stakeholder Survey 2023 results  
Principle 3: Collaboration and engagement

q13a. The ACCC provides guidance and information that is... Up to date

Function Area			Frequency	Percent	Valid Percent	Cumulative Percent
Mergers and authorisation reviews	Valid	Disagree	1	6.3	7.1	7.1
		Neither Agree nor Disagree	2	12.5	14.3	21.4
		Agree	9	56.3	64.3	85.7
		Strongly Agree	2	12.5	14.3	100.0
		Total	14	87.5	100.0	
		Missing System	2	12.5		
	Total		16	100.0		
Product safety	Valid	Strongly Disagree	2	6.3	6.9	6.9
		Disagree	6	18.8	20.7	27.6
		Neither Agree nor Disagree	2	6.3	6.9	34.5
		Agree	17	53.1	58.6	93.1
		Strongly Agree	2	6.3	6.9	100.0
		Total	29	90.6	100.0	
	Missing System	3	9.4			
Total		32	100.0			
Small business	Valid	Agree	3	75.0	100.0	100.0
	Missing System		1	25.0		
	Total		4	100.0		
Infrastructure regulation	Valid	Strongly Disagree	1	6.7	6.7	6.7
		Disagree	1	6.7	6.7	13.3
		Neither Agree nor Disagree	2	13.3	13.3	26.7
		Agree	10	66.7	66.7	93.3
		Strongly Agree	1	6.7	6.7	100.0
		Total	15	100.0	100.0	
Enforcement	Valid	Agree	3	50.0	100.0	100.0
	Missing System		3	50.0		
	Total		6	100.0		
Market studies and inquiries	Valid	Strongly Disagree	1	2.6	3.1	3.1
		Disagree	2	5.3	6.3	9.4
		Neither Agree nor Disagree	7	18.4	21.9	31.3
		Agree	20	52.6	62.5	93.8
		Strongly Agree	2	5.3	6.3	100.0
		Total	32	84.2	100.0	
	Missing System	6	15.8			
Total		38	100.0			
Consumer Data Right	Valid	Strongly Disagree	1	5.0	6.3	6.3
		Neither Agree nor Disagree	2	10.0	12.5	18.8
		Agree	11	55.0	68.8	87.5
		Strongly Agree	2	10.0	12.5	100.0
		Total	16	80.0	100.0	
	Missing System	Don't Know	1	5.0		
		Total	4	20.0		
Total		20	100.0			

Business Stakeholder Survey 2023 results  
Principle 3: Collaboration and engagement

q13b. The ACCC provides guidance and information that is... Clear and concise

Function Area			Frequency	Percent	Valid Percent	Cumulative Percent
Mergers and authorisation reviews	Valid	Disagree	1	6.3	7.7	7.7
		Agree	10	62.5	76.9	84.6
		Strongly Agree	2	12.5	15.4	100.0
		Total	13	81.3	100.0	
	Missing	System	3	18.8		
	Total	16	100.0			
Product safety	Valid	Strongly Disagree	2	6.3	7.1	7.1
		Disagree	4	12.5	14.3	21.4
		Neither Agree nor Disagree	7	21.9	25.0	46.4
		Agree	13	40.6	46.4	92.9
		Strongly Agree	2	6.3	7.1	100.0
	Total	28	87.5	100.0		
	Missing	System	3	9.4		
	Don't Know	1	3.1			
	Total	4	12.5			
	Total	32	100.0			
Small business	Valid	Agree	3	75.0	100.0	100.0
	Missing	System	1	25.0		
	Total		4	100.0		
Infrastructure regulation	Valid	Neither Agree nor Disagree	3	20.0	20.0	20.0
		Agree	10	66.7	66.7	86.7
		Strongly Agree	2	13.3	13.3	100.0
		Total	15	100.0	100.0	
Enforcement	Valid	Neither Agree nor Disagree	1	16.7	33.3	33.3
		Agree	2	33.3	66.7	100.0
		Total	3	50.0	100.0	
	Missing	System	3	50.0		
	Total	6	100.0			
Market studies and inquiries	Valid	Strongly Disagree	1	2.6	3.2	3.2
		Disagree	3	7.9	9.7	12.9
		Neither Agree nor Disagree	7	18.4	22.6	35.5
		Agree	19	50.0	61.3	96.8
		Strongly Agree	1	2.6	3.2	100.0
		Total	31	81.6	100.0	
	Missing	System	7	18.4		
Total	38	100.0				
Consumer Data Right	Valid	Strongly Disagree	2	10.0	12.5	12.5
		Disagree	3	15.0	18.8	31.3
		Neither Agree nor Disagree	3	15.0	18.8	50.0
		Agree	6	30.0	37.5	87.5
		Strongly Agree	2	10.0	12.5	100.0
		Total	16	80.0	100.0	
	Missing	System	3	15.0		
		Don't Know	1	5.0		
		Total	4	20.0		
Total	20	100.0				

Business Stakeholder Survey 2023 results  
Principle 3: Collaboration and engagement

**q13c. The ACCC provides guidance and information that is...Consistent and supports predictable outcomes**

Function Area			Frequency	Percent	Valid Percent	Cumulative Percent
Mergers and authorisation reviews	Valid	Disagree	4	25.0	28.6	28.6
		Neither Agree nor Disagree	6	37.5	42.9	71.4
		Agree	3	18.8	21.4	92.9
		Strongly Agree	1	6.3	7.1	100.0
		Total	14	87.5	100.0	
		Missing System	2	12.5		
	Total	16	100.0			
Product safety	Valid	Strongly Disagree	1	3.1	3.7	3.7
		Disagree	4	12.5	14.8	18.5
		Neither Agree nor Disagree	7	21.9	25.9	44.4
		Agree	14	43.8	51.9	96.3
		Strongly Agree	1	3.1	3.7	100.0
		Total	27	84.4	100.0	
	Missing System	Don't Know	2	6.3		
		Total	5	15.6		
Total		32	100.0			
Small business	Valid	Agree	3	75.0	100.0	100.0
		Missing System	1	25.0		
	Total	4	100.0			
Infrastructure regulation	Valid	Disagree	2	13.3	13.3	13.3
		Neither Agree nor Disagree	2	13.3	13.3	26.7
		Agree	10	66.7	66.7	93.3
		Strongly Agree	1	6.7	6.7	100.0
		Total	15	100.0	100.0	
	Missing System	3	50.0			
Total	6	100.0				
Enforcement	Valid	Neither Agree nor Disagree	2	33.3	66.7	66.7
		Agree	1	16.7	33.3	100.0
		Total	3	50.0	100.0	
		Missing System	3	50.0		
	Total	6	100.0			
Market studies and inquiries	Valid	Strongly Disagree	1	2.6	3.2	3.2
		Disagree	6	15.8	19.4	22.6
		Neither Agree nor Disagree	11	28.9	35.5	58.1
		Agree	12	31.6	38.7	96.8
		Strongly Agree	1	2.6	3.2	100.0
		Total	31	81.6	100.0	
		Missing System	Don't Know	6	15.8	
	Total		7	18.4		
Total	38		100.0			
Consumer Data Right	Valid	Strongly Disagree	1	5.0	5.9	5.9
		Disagree	4	20.0	23.5	29.4
		Neither Agree nor Disagree	3	15.0	17.6	47.1
		Agree	8	40.0	47.1	94.1
		Strongly Agree	1	5.0	5.9	100.0
		Total	17	85.0	100.0	
		Missing System	Don't Know	2	10.0	
	Total		3	15.0		
	Total		20	100.0		



Business Stakeholder Survey 2023 results  
Principle 3: Collaboration and engagement

q13d. The ACCC provides guidance and information that is...Delivered in a timely manner

Function Area			Frequency	Percent	Valid Percent	Cumulative Percent
Mergers and authorisation reviews	Valid	Disagree	3	18.8	21.4	21.4
		Neither Agree nor Disagree	2	12.5	14.3	35.7
		Agree	9	56.3	64.3	100.0
		Total	14	87.5	100.0	
	Missing	System	2	12.5		
	Total	16	100.0			
Product safety	Valid	Strongly Disagree	1	3.1	3.6	3.6
		Disagree	3	9.4	10.7	14.3
		Neither Agree nor Disagree	6	18.8	21.4	35.7
		Agree	17	53.1	60.7	96.4
		Strongly Agree	1	3.1	3.6	100.0
		Total	28	87.5	100.0	
	Missing	System	3	9.4		
	Don't Know	1	3.1			
	Total	4	12.5			
	Total	32	100.0			
Small business	Valid	Agree	3	75.0	100.0	100.0
	Missing	System	1	25.0		
	Total		4	100.0		
Infrastructure regulation	Valid	Strongly Disagree	1	6.7	6.7	6.7
		Disagree	4	26.7	26.7	33.3
		Neither Agree nor Disagree	2	13.3	13.3	46.7
		Agree	7	46.7	46.7	93.3
		Strongly Agree	1	6.7	6.7	100.0
	Total	15	100.0	100.0		
Enforcement	Valid	Agree	3	50.0	100.0	100.0
	Missing	System	3	50.0		
	Total		6	100.0		
Market studies and inquiries	Valid	Strongly Disagree	1	2.6	3.2	3.2
		Disagree	3	7.9	9.7	12.9
		Neither Agree nor Disagree	9	23.7	29.0	41.9
		Agree	17	44.7	54.8	96.8
		Strongly Agree	1	2.6	3.2	100.0
		Total	31	81.6	100.0	
	Missing	System	6	15.8		
	Don't Know	1	2.6			
	Total	7	18.4			
	Total	38	100.0			
Consumer Data Right	Valid	Strongly Disagree	2	10.0	11.8	11.8
		Disagree	3	15.0	17.6	29.4
		Neither Agree nor Disagree	4	20.0	23.5	52.9
		Agree	7	35.0	41.2	94.1
		Strongly Agree	1	5.0	5.9	100.0
		Total	17	85.0	100.0	
	Missing	System	2	10.0		
		Don't Know	1	5.0		
		Total	3	15.0		
	Total	20	100.0			

Business Stakeholder Survey 2023 results  
Principle 3: Collaboration and engagement

**q13e. The ACCC provides guidance and information that is...Delivered through appropriate media channels**

Function Area			Frequency	Percent	Valid Percent	Cumulative Percent
Mergers and authorisation reviews	Valid	Neither Agree nor Disagree	3	18.8	21.4	21.4
		Agree	9	56.3	64.3	85.7
		Strongly Agree	2	12.5	14.3	100.0
		Total	14	87.5	100.0	
	Missing	System	2	12.5		
	Total	16	100.0			
Product safety	Valid	Disagree	3	9.4	11.1	11.1
		Neither Agree nor Disagree	6	18.8	22.2	33.3
		Agree	18	56.3	66.7	100.0
		Total	27	84.4	100.0	
	Missing	System	3	9.4		
	Don't Know	2	6.3			
	Total	5	15.6			
	Total	32	100.0			
Small business	Valid	Neither Agree nor Disagree	2	50.0	66.7	66.7
		Agree	1	25.0	33.3	100.0
		Total	3	75.0	100.0	
	Missing	System	1	25.0		
	Total	4	100.0			
Infrastructure regulation	Valid	Disagree	2	13.3	13.3	13.3
		Neither Agree nor Disagree	1	6.7	6.7	20.0
		Agree	11	73.3	73.3	93.3
		Strongly Agree	1	6.7	6.7	100.0
	Total	15	100.0	100.0		
Enforcement	Valid	Neither Agree nor Disagree	1	16.7	33.3	33.3
		Agree	2	33.3	66.7	100.0
		Total	3	50.0	100.0	
	Missing	System	3	50.0		
	Total	6	100.0			
Market studies and inquiries	Valid	Strongly Disagree	2	5.3	6.9	6.9
		Disagree	2	5.3	6.9	13.8
		Neither Agree nor Disagree	5	13.2	17.2	31.0
		Agree	19	50.0	65.5	96.6
		Strongly Agree	1	2.6	3.4	100.0
		Total	29	76.3	100.0	
	Missing	System	7	18.4		
		Don't Know	2	5.3		
	Total	9	23.7			
	Total	38	100.0			
Consumer Data Right	Valid	Strongly Disagree	1	5.0	5.9	5.9
		Disagree	1	5.0	5.9	11.8
		Neither Agree nor Disagree	6	30.0	35.3	47.1
		Agree	7	35.0	41.2	88.2
		Strongly Agree	2	10.0	11.8	100.0
		Total	17	85.0	100.0	
	Missing	System	2	10.0		
		Don't Know	1	5.0		
	Total	3	15.0			
	Total	20	100.0			

Business Stakeholder Survey 2023 results  
Principle 3: Collaboration and engagement

q14. The ACCC's communication with regulated entities is clear, targeted and effective

Function Area			Frequency	Percent	Valid Percent	Cumulative Percent
Mergers and authorisation reviews	Valid	Disagree	2	12.5	14.3	14.3
		Neither Agree nor Disagree	3	18.8	21.4	35.7
		Agree	7	43.8	50.0	85.7
		Strongly Agree	2	12.5	14.3	100.0
		Total	14	87.5	100.0	
	Missing	System	2	12.5		
Total			16	100.0		
Product safety	Valid	Strongly Disagree	1	3.1	3.4	3.4
		Disagree	4	12.5	13.8	17.2
		Neither Agree nor Disagree	6	18.8	20.7	37.9
		Agree	18	56.3	62.1	100.0
		Total	29	90.6	100.0	
	Missing	System	3	9.4		
Total			32	100.0		
Small business	Valid	Agree	3	75.0	100.0	100.0
	Missing	System	1	25.0		
	Total			4	100.0	
Infrastructure regulation	Valid	Strongly Disagree	1	6.7	6.7	6.7
		Disagree	1	6.7	6.7	13.3
		Neither Agree nor Disagree	3	20.0	20.0	33.3
		Agree	7	46.7	46.7	80.0
		Strongly Agree	3	20.0	20.0	100.0
	Total	15	100.0	100.0		
Enforcement	Valid	Agree	3	50.0	100.0	100.0
	Missing	System	3	50.0		
	Total			6	100.0	
Market studies and inquiries	Valid	Strongly Disagree	1	2.6	3.3	3.3
		Disagree	2	5.3	6.7	10.0
		Neither Agree nor Disagree	8	21.1	26.7	36.7
		Agree	16	42.1	53.3	90.0
		Strongly Agree	3	7.9	10.0	100.0
		Total	30	78.9	100.0	
	Missing	System	7	18.4		
		Don't know	1	2.6		
Total			8	21.1		
Total			38	100.0		
Consumer Data Right	Valid	Strongly Disagree	3	15.0	16.7	16.7
		Disagree	5	25.0	27.8	44.4
		Neither Agree nor Disagree	3	15.0	16.7	61.1
		Agree	7	35.0	38.9	100.0
		Total	18	90.0	100.0	
	Missing	System	2	10.0		
Total			20	100.0		

Business Stakeholder Survey 2023 results  
Principle 3: Collaboration and engagement

**q16a. The ACCC makes guides, decision documents and information about processes publicly available**

Function Area			Frequency	Percent	Valid Percent	Cumulative Percent
Mergers and authorisation reviews	Valid	Disagree	1	6.3	7.1	7.1
		Neither Agree nor Disagree	2	12.5	14.3	21.4
		Agree	9	56.3	64.3	85.7
		Strongly Agree	2	12.5	14.3	100.0
		Total	14	87.5	100.0	
		Missing	System	2	12.5	
	Total		16	100.0		
Product safety	Valid	Strongly Disagree	3	9.4	10.7	10.7
		Disagree	1	3.1	3.6	14.3
		Neither Agree nor Disagree	1	3.1	3.6	17.9
		Agree	22	68.8	78.6	96.4
		Strongly Agree	1	3.1	3.6	100.0
		Total	28	87.5	100.0	
	Missing	System	3	9.4		
		Don't Know	1	3.1		
Total		4	12.5			
Total		32	100.0			
Small business	Valid	Agree	3	75.0	100.0	100.0
	Missing	System	1	25.0		
	Total		4	100.0		
Infrastructure regulation	Valid	Disagree	1	6.7	6.7	6.7
		Neither Agree nor Disagree	1	6.7	6.7	13.3
		Agree	11	73.3	73.3	86.7
		Strongly Agree	2	13.3	13.3	100.0
		Total	15	100.0	100.0	
	Missing	System	3	50.0	100.0	100.0
Total		6	100.0			
Market studies and inquiries	Valid	Strongly Disagree	3	7.9	9.7	9.7
		Disagree	1	2.6	3.2	12.9
		Neither Agree nor Disagree	3	7.9	9.7	22.6
		Agree	22	57.9	71.0	93.5
		Strongly Agree	2	5.3	6.5	100.0
		Total	31	81.6	100.0	
	Missing	System	7	18.4		
Total		38	100.0			
Consumer Data Right	Valid	Strongly Disagree	1	5.0	5.9	5.9
		Neither Agree nor Disagree	2	10.0	11.8	17.6
		Agree	9	45.0	52.9	70.6
		Strongly Agree	5	25.0	29.4	100.0
		Total	17	85.0	100.0	
	Missing	System	2	10.0		
		Don't Know	1	5.0		
		Total	3	15.0		
Total		20	100.0			

Business Stakeholder Survey 2023 results  
Principle 3: Collaboration and engagement

**q16b. The ACCC engages with affected businesses and industry groups before changing policies and practices**

Function Area			Frequency	Percent	Valid Percent	Cumulative Percent	
Mergers and authorisation reviews	Valid	Neither Agree nor Disagree	3	18.8	23.1	23.1	
		Agree	9	56.3	69.2	92.3	
		Strongly Agree	1	6.3	7.7	100.0	
		Total	13	81.3	100.0		
	Missing	Don't Know	1	6.3			
		System	2	12.5			
Total		3	18.8				
Total			16	100.0			
Product safety	Valid	Strongly Disagree	2	6.3	8.0	8.0	
		Disagree	1	3.1	4.0	12.0	
		Neither Agree nor Disagree	7	21.9	28.0	40.0	
		Agree	15	46.9	60.0	100.0	
	Missing	Don't Know	4	12.5			
		System	3	9.4			
Total		7	21.9				
Total			32	100.0			
Small business	Valid	Agree	3	75.0	100.0	100.0	
	Missing	System	1	25.0			
	Total			4	100.0		
Infrastructure regulation	Valid	Neither Agree nor Disagree	6	40.0	40.0	40.0	
		Agree	7	46.7	46.7	86.7	
		Strongly Agree	2	13.3	13.3	100.0	
		Total	15	100.0	100.0		
Enforcement	Valid	Neither Agree nor Disagree	2	33.3	100.0	100.0	
		Missing	Don't Know	1	16.7		
			System	3	50.0		
			Total	4	66.7		
Total			6	100.0			
Market studies and inquiries	Valid	Strongly Disagree	4	10.5	13.3	13.3	
		Disagree	2	5.3	6.7	20.0	
		Neither Agree nor Disagree	8	21.1	26.7	46.7	
		Agree	13	34.2	43.3	90.0	
		Strongly Agree	3	7.9	10.0	100.0	
	Missing	Don't Know	1	2.6			
System		7	18.4				
Total		8	21.1				
Total			38	100.0			
Consumer Data Right	Valid	Strongly Disagree	1	5.0	6.3	6.3	
		Disagree	2	10.0	12.5	18.8	
		Neither Agree nor Disagree	3	15.0	18.8	37.5	
		Agree	7	35.0	43.8	81.3	
		Strongly Agree	3	15.0	18.8	100.0	
	Missing	Don't Know	2	10.0			
System		2	10.0				
Total		4	20.0				
Total			20	100.0			

Business Stakeholder Survey 2023 results  
Principle 3: Collaboration and engagement

**q16c. The ACCC is open and responsive to feedback regarding its approaches and actions under the regulatory framework**

Function Area			Frequency	Percent	Valid Percent	Cumulative Percent
Mergers and authorisation reviews	Valid	Disagree	1	6.3	7.7	7.7
		Neither Agree nor Disagree	6	37.5	46.2	53.8
		Agree	4	25.0	30.8	84.6
		Strongly Agree	2	12.5	15.4	100.0
		Total	13	81.3	100.0	
	Missing	Don't Know	1	6.3		
		System	2	12.5		
Total		3	18.8			
Total		16	100.0			
Product safety	Valid	Strongly Disagree	3	9.4	11.5	11.5
		Disagree	3	9.4	11.5	23.1
		Neither Agree nor Disagree	9	28.1	34.6	57.7
		Agree	10	31.3	38.5	96.2
		Strongly Agree	1	3.1	3.8	100.0
	Total	26	81.3	100.0		
	Missing	Don't Know	3	9.4		
System		3	9.4			
Total		6	18.8			
Total		32	100.0			
Small business	Valid	Disagree	1	25.0	33.3	33.3
		Agree	2	50.0	66.7	100.0
		Total	3	75.0	100.0	
	Missing	System	1	25.0		
Total		4	100.0			
Infrastructure regulation	Valid	Disagree	4	26.7	26.7	26.7
		Neither Agree nor Disagree	2	13.3	13.3	40.0
		Agree	7	46.7	46.7	86.7
		Strongly Agree	2	13.3	13.3	100.0
		Total	15	100.0	100.0	
Enforcement	Valid	Disagree	1	16.7	33.3	33.3
		Agree	1	16.7	33.3	66.7
		Strongly Agree	1	16.7	33.3	100.0
		Total	3	50.0	100.0	
	Missing	System	3	50.0		
Total		6	100.0			
Market studies and inquiries	Valid	Strongly Disagree	4	10.5	14.8	14.8
		Disagree	3	7.9	11.1	25.9
		Neither Agree nor Disagree	6	15.8	22.2	48.1
		Agree	9	23.7	33.3	81.5
		Strongly Agree	5	13.2	18.5	100.0
	Total	27	71.1	100.0		
	Missing	Don't Know	4	10.5		
System		7	18.4			
Total		11	28.9			
Total		38	100.0			
Consumer Data Right	Valid	Strongly Disagree	1	5.0	6.3	6.3
		Disagree	3	15.0	18.8	25.0
		Neither Agree nor Disagree	6	30.0	37.5	62.5
		Agree	3	15.0	18.8	81.3
		Strongly Agree	3	15.0	18.8	100.0
	Total	16	80.0	100.0		
	Missing	Don't Know	2	10.0		
		System	2	10.0		
		Total	4	20.0		
Total		20	100.0			

Business Stakeholder Survey 2023 results  
Principle 3: Collaboration and engagement

q17. The ACCC is open and transparent in its dealings with regulated entities

Function Area			Frequency	Percent	Valid Percent	Cumulative Percent
Mergers and authorisation reviews	Valid	Disagree	1	6.3	7.7	7.7
		Neither Agree nor Disagree	4	25.0	30.8	38.5
		Agree	7	43.8	53.8	92.3
		Strongly Agree	1	6.3	7.7	100.0
		Total	13	81.3	100.0	
	Missing	Don't know	1	6.3		
		System	2	12.5		
Total		3	18.8			
Total			16	100.0		
Product safety	Valid	Strongly Disagree	2	6.3	8.3	8.3
		Disagree	1	3.1	4.2	12.5
		Neither Agree nor Disagree	5	15.6	20.8	33.3
		Agree	16	50.0	66.7	100.0
		Total	24	75.0	100.0	
	Missing	Don't know	4	12.5		
		System	4	12.5		
Total		8	25.0			
Total			32	100.0		
Small business	Valid	Agree	3	75.0	100.0	100.0
	Missing	System	1	25.0		
	Total			4	100.0	
Infrastructure regulation	Valid	Disagree	2	13.3	14.3	14.3
		Agree	11	73.3	78.6	92.9
		Strongly Agree	1	6.7	7.1	100.0
		Total	14	93.3	100.0	
	Missing	System	1	6.7		
Total			15	100.0		
Enforcement	Valid	Agree	3	50.0	100.0	100.0
	Missing	System	3	50.0		
	Total			6	100.0	
Market studies and inquiries	Valid	Strongly Disagree	4	10.5	13.8	13.8
		Disagree	4	10.5	13.8	27.6
		Neither Agree nor Disagree	5	13.2	17.2	44.8
		Agree	12	31.6	41.4	86.2
		Strongly Agree	4	10.5	13.8	100.0
		Total	29	76.3	100.0	
	Missing	Don't know	2	5.3		
System		7	18.4			
Total		9	23.7			
Total			38	100.0		
Consumer Data Right	Valid	Strongly Disagree	1	5.0	5.9	5.9
		Disagree	2	10.0	11.8	17.6
		Neither Agree nor Disagree	5	25.0	29.4	47.1
		Agree	7	35.0	41.2	88.2
		Strongly Agree	2	10.0	11.8	100.0
		Total	17	85.0	100.0	
	Missing	System	3	15.0		
Total			20	100.0		

Business Stakeholder Survey 2023 results  
ACCC Values

**q21a. Independent: The ACCC inspires confidence in their work by being impartial and objective**

Function Area			Frequency	Percent	Valid Percent	Cumulative Percent
Mergers and authorisation reviews	Valid	Disagree	1	6.3	7.1	7.1
		Agree	9	56.3	64.3	71.4
		Strongly Agree	4	25.0	28.6	100.0
		Total	14	87.5	100.0	
	Missing	System	2	12.5		
Total			16	100.0		
Product safety	Valid	Strongly Disagree	1	3.1	3.6	3.6
		Neither Agree nor Disagree	4	12.5	14.3	17.9
		Agree	20	62.5	71.4	89.3
		Strongly Agree	3	9.4	10.7	100.0
		Total	28	87.5	100.0	
	Missing	System	3	9.4		
		Don't Know	1	3.1		
Total			4	12.5		
Total			32	100.0		
Small business	Valid	Agree	3	75.0	100.0	100.0
	Missing	System	1	25.0		
	Total			4	100.0	
Infrastructure regulation	Valid	Disagree	3	20.0	20.0	20.0
		Neither Agree nor Disagree	1	6.7	6.7	26.7
		Agree	8	53.3	53.3	80.0
		Strongly Agree	3	20.0	20.0	100.0
	Total			15	100.0	100.0
Enforcement	Valid	Agree	3	50.0	100.0	100.0
	Missing	System	3	50.0		
	Total			6	100.0	
Market studies and inquiries	Valid	Strongly Disagree	5	13.2	17.9	17.9
		Disagree	1	2.6	3.6	21.4
		Neither Agree nor Disagree	7	18.4	25.0	46.4
		Agree	11	28.9	39.3	85.7
		Strongly Agree	4	10.5	14.3	100.0
	Total			28	73.7	100.0
	Missing	System	10	26.3		
Total			38	100.0		
Consumer Data Right	Valid	Strongly Disagree	1	5.0	6.7	6.7
		Neither Agree nor Disagree	3	15.0	20.0	26.7
		Agree	9	45.0	60.0	86.7
		Strongly Agree	2	10.0	13.3	100.0
		Total			15	75.0
	Missing	System	3	15.0		
		Don't Know	2	10.0		
		Total	5	25.0		
Total			20	100.0		



Business Stakeholder Survey 2023 results  
ACCC Values

**q21b. Strategic: The ACCC focuses on the bigger picture, ensuring consumers are at the heart of what they do**

Function Area			Frequency	Percent	Valid Percent	Cumulative Percent
Mergers and authorisation reviews	Valid	Disagree	1	6.3	7.7	7.7
		Neither Agree nor Disagree	2	12.5	15.4	23.1
		Agree	8	50.0	61.5	84.6
		Strongly Agree	2	12.5	15.4	100.0
		Total	13	81.3	100.0	
	Missing System	3	18.8			
Total			16	100.0		
Product safety	Valid	Disagree	2	6.3	6.9	6.9
		Neither Agree nor Disagree	5	15.6	17.2	24.1
		Agree	20	62.5	69.0	93.1
		Strongly Agree	2	6.3	6.9	100.0
		Total	29	90.6	100.0	
	Missing System	3	9.4			
Total			32	100.0		
Small business	Valid	Agree	2	50.0	66.7	66.7
		Strongly Agree	1	25.0	33.3	100.0
		Total	3	75.0	100.0	
	Missing System	1	25.0			
Total			4	100.0		
Infrastructure regulation	Valid	Disagree	1	6.7	6.7	6.7
		Neither Agree nor Disagree	4	26.7	26.7	33.3
		Agree	5	33.3	33.3	66.7
		Strongly Agree	5	33.3	33.3	100.0
		Total	15	100.0	100.0	
	Missing System	3	50.0	100.0	100.0	
Total			6	100.0		
Market studies and inquiries	Valid	Strongly Disagree	3	7.9	11.1	11.1
		Disagree	3	7.9	11.1	22.2
		Neither Agree nor Disagree	7	18.4	25.9	48.1
		Agree	11	28.9	40.7	88.9
		Strongly Agree	3	7.9	11.1	100.0
		Total	27	71.1	100.0	
		Missing System	11	28.9		
	Total			38	100.0	
Consumer Data Right	Valid	Strongly Disagree	1	5.0	6.7	6.7
		Disagree	3	15.0	20.0	26.7
		Neither Agree nor Disagree	4	20.0	26.7	53.3
		Agree	5	25.0	33.3	86.7
		Strongly Agree	2	10.0	13.3	100.0
		Total	15	75.0	100.0	
	Missing System	Don't Know	3	15.0		
		Don't Know	2	10.0		
		Total	5	25.0		
		Total			20	100.0

Business Stakeholder Survey 2023 results  
ACCC Values

**q21c. Trustworthy: The ACCC acts with integrity, honesty and ethically**

Function Area			Frequency	Percent	Valid Percent	Cumulative Percent
Mergers and authorisation reviews	Valid	Disagree	1	6.3	7.7	7.7
		Neither Agree nor Disagree	1	6.3	7.7	15.4
		Agree	7	43.8	53.8	69.2
		Strongly Agree	4	25.0	30.8	100.0
		Total	13	81.3	100.0	
	Missing	System	3	18.8		
	Total	16	100.0			
Product safety	Valid	Strongly Disagree	1	3.1	3.4	3.4
		Neither Agree nor Disagree	2	6.3	6.9	10.3
		Agree	20	62.5	69.0	79.3
		Strongly Agree	6	18.8	20.7	100.0
		Total	29	90.6	100.0	
	Missing	System	3	9.4		
	Total	32	100.0			
Small business	Valid	Agree	2	50.0	66.7	66.7
		Strongly Agree	1	25.0	33.3	100.0
		Total	3	75.0	100.0	
	Missing	System	1	25.0		
	Total	4	100.0			
Infrastructure regulation	Valid	Disagree	1	6.7	6.7	6.7
		Neither Agree nor Disagree	1	6.7	6.7	13.3
		Agree	7	46.7	46.7	60.0
		Strongly Agree	6	40.0	40.0	100.0
		Total	15	100.0	100.0	
	Missing	System	3	50.0		
	Total	6	100.0			
Enforcement	Valid	Agree	1	16.7	33.3	33.3
		Strongly Agree	2	33.3	66.7	100.0
		Total	3	50.0	100.0	
	Missing	System	3	50.0		
	Total	6	100.0			
Market studies and inquiries	Valid	Strongly Disagree	1	2.6	3.7	3.7
		Disagree	2	5.3	7.4	11.1
		Neither Agree nor Disagree	6	15.8	22.2	33.3
		Agree	13	34.2	48.1	81.5
		Strongly Agree	5	13.2	18.5	100.0
		Total	27	71.1	100.0	
		Missing	System	11	28.9	
		Total	38	100.0		
Consumer Data Right	Valid	Strongly Disagree	1	5.0	6.3	6.3
		Neither Agree nor Disagree	2	10.0	12.5	18.8
		Agree	9	45.0	56.3	75.0
		Strongly Agree	4	20.0	25.0	100.0
		Total	16	80.0	100.0	
	Missing	System	3	15.0		
		Don't Know	1	5.0		
		Total	4	20.0		
	Total	20	100.0			

Business Stakeholder Survey 2023 results  
ACCC Values

**q21d. Informed: The ACCC's decisions and actions are based on data, evidence and intelligence, as well as expert knowledge**

Function Area			Frequency	Percent	Valid Percent	Cumulative Percent
Mergers and authorisation reviews	Valid	Disagree	2	12.5	15.4	15.4
		Neither Agree nor Disagree	2	12.5	15.4	30.8
		Agree	8	50.0	61.5	92.3
		Strongly Agree	1	6.3	7.7	100.0
		Total	13	81.3	100.0	
	Missing	System	3	18.8		
	Total	16	100.0			
Product safety	Valid	Strongly Disagree	1	3.1	3.6	3.6
		Disagree	3	9.4	10.7	14.3
		Neither Agree nor Disagree	7	21.9	25.0	39.3
		Agree	16	50.0	57.1	96.4
		Strongly Agree	1	3.1	3.6	100.0
	Total	28	87.5	100.0		
	Missing	System	3	9.4		
	Don't Know	1	3.1			
	Total	4	12.5			
	Total	32	100.0			
Small business	Valid	Agree	3	75.0	100.0	100.0
	Missing	System	1	25.0		
	Total		4	100.0		
Infrastructure regulation	Valid	Disagree	2	13.3	13.3	13.3
		Neither Agree nor Disagree	3	20.0	20.0	33.3
		Agree	6	40.0	40.0	73.3
		Strongly Agree	4	26.7	26.7	100.0
		Total	15	100.0	100.0	
Enforcement	Valid	Agree	3	50.0	100.0	100.0
	Missing	System	3	50.0		
	Total		6	100.0		
Market studies and inquiries	Valid	Strongly Disagree	5	13.2	18.5	18.5
		Disagree	3	7.9	11.1	29.6
		Neither Agree nor Disagree	4	10.5	14.8	44.4
		Agree	11	28.9	40.7	85.2
		Strongly Agree	4	10.5	14.8	100.0
	Total	27	71.1	100.0		
	Missing	System	11	28.9		
	Total	38	100.0			
Consumer Data Right	Valid	Strongly Disagree	2	10.0	14.3	14.3
		Neither Agree nor Disagree	5	25.0	35.7	50.0
		Agree	5	25.0	35.7	85.7
		Strongly Agree	2	10.0	14.3	100.0
		Total	14	70.0	100.0	
	Missing	System	4	20.0		
		Don't Know	2	10.0		
		Total	6	30.0		
	Total	20	100.0			

Business Stakeholder Survey 2023 results  
ACCC Values

**q21e. Inclusive: The ACCC commits to an inclusive and respectful culture and a diverse workforce reflecting the communities that they serve**

Function Area			Frequency	Percent	Valid Percent	Cumulative Percent
Mergers and authorisation reviews	Valid	Neither Agree nor Disagree	1	6.3	9.1	9.1
		Agree	6	37.5	54.5	63.6
		Strongly Agree	4	25.0	36.4	100.0
		Total	11	68.8	100.0	
	Missing	Don't Know	2	12.5		
		System	3	18.8		
		Total	5	31.3		
Total		16	100.0			
Product safety	Valid	Strongly Disagree	1	3.1	5.3	5.3
		Disagree	1	3.1	5.3	10.5
		Neither Agree nor Disagree	5	15.6	26.3	36.8
		Agree	10	31.3	52.6	89.5
		Strongly Agree	2	6.3	10.5	100.0
	Total	19	59.4	100.0		
	Missing	Don't Know	10	31.3		
System		3	9.4			
Total		13	40.6			
Total		32	100.0			
Small business	Valid	Agree	2	50.0	100.0	100.0
	Missing	Don't Know	1	25.0		
		System	1	25.0		
		Total	2	50.0		
Total		4	100.0			
Infrastructure regulation	Valid	Neither Agree nor Disagree	1	6.7	12.5	12.5
		Agree	4	26.7	50.0	62.5
		Strongly Agree	3	20.0	37.5	100.0
		Total	8	53.3	100.0	
	Missing	Don't Know	7	46.7		
Total		15	100.0			
Enforcement	Valid	Neither Agree nor Disagree	1	16.7	100.0	100.0
	Missing	Don't Know	2	33.3		
		System	3	50.0		
		Total	5	83.3		
Total		6	100.0			
Market studies and inquiries	Valid	Strongly Disagree	1	2.6	7.7	7.7
		Neither Agree nor Disagree	4	10.5	30.8	38.5
		Agree	5	13.2	38.5	76.9
		Strongly Agree	3	7.9	23.1	100.0
		Total	13	34.2	100.0	
	Missing	Don't Know	14	36.8		
		System	11	28.9		
Total		25	65.8			
Total		38	100.0			
Consumer Data Right	Valid	Strongly Disagree	1	5.0	8.3	8.3
		Neither Agree nor Disagree	4	20.0	33.3	41.7
		Agree	5	25.0	41.7	83.3
		Strongly Agree	2	10.0	16.7	100.0
		Total	12	60.0	100.0	
	Missing	Don't Know	4	20.0		
		System	4	20.0		
Total		8	40.0			
Total		20	100.0			

Business Stakeholder Survey 2023 results  
Comparison to other Australian Government regulators

**q22. Thinking about the past 12-18 months, how would you rate the performance of the ACCC relative to other Australian Government regulators that your business has engaged with? Would you say the ACCC's performance against the 3 principles is generally:**

Function Area			Frequency	Percent	Valid Percent	Cumulative Percent
Mergers and authorisation reviews	Valid	Better than other Australian Government regulators	10	62.5	76.9	76.9
		The same as other Australian Government regulators	2	12.5	15.4	92.3
		Unsure	1	6.3	7.7	100.0
		Total	13	81.3	100.0	
	Missing	System	3	18.8		
	Total	16	100.0			
Product safety	Valid	Better than other Australian Government regulators	10	31.3	35.7	35.7
		The same as other Australian Government regulators	7	21.9	25.0	60.7
		Worse than other Australian Government regulators	2	6.3	7.1	67.9
		Unsure	9	28.1	32.1	100.0
		Total	28	87.5	100.0	
	Missing	System	2	6.3		
	Not applicable	2	6.3			
	Total	4	12.5			
	Total	32	100.0			
Small business	Valid	Better than other Australian Government regulators	1	25.0	33.3	33.3
		The same as other Australian Government regulators	2	50.0	66.7	100.0
		Total	3	75.0	100.0	
	Missing	System	1	25.0		
	Total	4	100.0			
Infrastructure regulation	Valid	Better than other Australian Government regulators	6	40.0	40.0	40.0
		The same as other Australian Government regulators	5	33.3	33.3	73.3
		Worse than other Australian Government regulators	2	13.3	13.3	86.7
		Unsure	2	13.3	13.3	100.0
		Total	15	100.0	100.0	
	Missing	System	3	50.0		
	Total	6	100.0			
Enforcement	Valid	Better than other Australian Government regulators	2	33.3	66.7	66.7
		Worse than other Australian Government regulators	1	16.7	33.3	100.0
		Total	3	50.0	100.0	
	Missing	System	3	50.0		
	Total	6	100.0			
Market studies and inquiries	Valid	Better than other Australian Government regulators	9	23.7	33.3	33.3
		The same as other Australian Government regulators	10	26.3	37.0	70.4
		Worse than other Australian Government regulators	2	5.3	7.4	77.8
		Unsure	6	15.8	22.2	100.0
		Total	27	71.1	100.0	
	Missing	System	3	18.8		

Business Stakeholder Survey 2023 results  
Comparison to other Australian Government regulators

**q22. Thinking about the past 12-18 months, how would you rate the performance of the ACCC relative to other Australian Government regulators that your business has engaged with? Would you say the ACCC's performance against the 3 principles is generally:**

Function Area			Frequency	Percent	Valid Percent	Cumulative Percent	
	Missing	System	11	28.9			
	Total		38	100.0			
Consumer Data Right	Valid	Better than other Australian Government regulators	3	15.0	18.8	18.8	
		The same as other Australian Government regulators	3	15.0	18.8	37.5	
		Worse than other Australian Government regulators	4	20.0	25.0	62.5	
		Unsure	6	30.0	37.5	100.0	
		Total	16	80.0	100.0		
	Missing	System	3	15.0			
		Not applicable	1	5.0			
		Total	4	20.0			
	Total			20	100.0		

Business Stakeholder Survey 2023 results  
Demographics

**qDEM1. Which of the following best describes your business (or the business or group of businesses that you represent)?**

Function Area			Frequency	Percent	Valid Percent	Cumulative Percent
Mergers and authorisation reviews	Valid	Small business (5 to 19 employees)	1	6.3	7.7	7.7
		Medium business (20 to 199 employees)	1	6.3	7.7	15.4
		Large business (200 or more employees)	11	68.8	84.6	100.0
		Total	13	81.3	100.0	
	Missing	System	3	18.8		
Total			16	100.0		
Product safety	Valid	Micro business (up to 4 employees)	4	12.5	13.3	13.3
		Small business (5 to 19 employees)	10	31.3	33.3	46.7
		Medium business (20 to 199 employees)	4	12.5	13.3	60.0
		Large business (200 or more employees)	12	37.5	40.0	100.0
	Total	30	93.8	100.0		
Missing	System	2	6.3			
Total			32	100.0		
Small business	Valid	Small business (5 to 19 employees)	2	50.0	50.0	50.0
		Medium business (20 to 199 employees)	1	25.0	25.0	75.0
		Large business (200 or more employees)	1	25.0	25.0	100.0
		Total	4	100.0	100.0	
Infrastructure regulation	Valid	Large business (200 or more employees)	15	100.0	100.0	100.0
Enforcement	Valid	Medium business (20 to 199 employees)	1	16.7	33.3	33.3
		Large business (200 or more employees)	2	33.3	66.7	100.0
		Total	3	50.0	100.0	
	Missing	System	3	50.0		
Total			6	100.0		
Market studies and inquiries	Valid	Micro business (up to 4 employees)	1	2.6	3.6	3.6
		Small business (5 to 19 employees)	4	10.5	14.3	17.9
		Medium business (20 to 199 employees)	10	26.3	35.7	53.6
		Large business (200 or more employees)	13	34.2	46.4	100.0
	Total	28	73.7	100.0		
Missing	System	10	26.3			
Total			38	100.0		
Consumer Data Right	Valid	Small business (5 to 19 employees)	3	15.0	17.6	17.6
		Medium business (20 to 199 employees)	7	35.0	41.2	58.8
		Large business (200 or more employees)	7	35.0	41.2	100.0
		Total	17	85.0	100.0	
Missing	System	3	15.0			
Total			20	100.0		

Business Stakeholder Survey 2023 results  
Demographics

**qDEM2mr. Which of the following best describes your business (or the business or group of businesses that you represent)? (Multiple Response)**

Function Area			Frequency	% of respondents
Mergers and authorisation reviews	Valid	Mining	4	30.8%
		Manufacturing	3	23.1%
		Electricity, gas, water, and waste services	4	30.8%
		Construction	2	15.4%
		Wholesale trade	3	23.1%
		Retail trade	5	38.5%
		Accommodation and food services	1	7.7%
		Transport, postal and warehousing	3	23.1%
		Information, media and telecommunications	4	30.8%
		Financial and insurance services	3	23.1%
		Rental, hiring and real estate services		
		Professional, scientific and technical services	10	76.9%
		Administrative and support services		
		Education and training	1	7.7%
		Health care and social assistance	5	38.5%
		Arts and recreation services		
		Other services		
Number of Respondents			13	100.0%
Product safety	Valid	Mining	1	3.3%
		Manufacturing	5	16.7%
		Electricity, gas, water, and waste services	1	3.3%
		Construction		
		Wholesale trade	14	46.7%
		Retail trade	14	46.7%
		Accommodation and food services		
		Transport, postal and warehousing		
		Information, media and telecommunications		
		Financial and insurance services	1	3.3%
		Rental, hiring and real estate services		
		Professional, scientific and technical services	4	13.3%
		Administrative and support services		
		Education and training	1	3.3%
		Health care and social assistance	2	6.7%



Business Stakeholder Survey 2023 results  
Demographics

**qDEM2mr. Which of the following best describes your business (or the business or group of businesses that you represent)? (Multiple Response)**

Function Area			Frequency	% of respondents
		Arts and recreation services		
		Other services		
		<b>Number of Respondents</b>	<b>30</b>	<b>100.0%</b>
Small business	Valid	Mining		
		Manufacturing	1	25.0%
		Electricity, gas, water, and waste services		
		Construction		
		Wholesale trade	2	50.0%
		Retail trade	1	25.0%
		Accommodation and food services		
		Transport, postal and warehousing		
		Information, media and telecommunications		
		Financial and insurance services		
		Rental, hiring and real estate services		
		Professional, scientific and technical services		
		Administrative and support services		
		Education and training		
		Health care and social assistance		
		Arts and recreation services		
		Other services		
		<b>Number of Respondents</b>	<b>4</b>	<b>100.0%</b>
Infrastructure regulation	Valid	Mining	1	6.7%
		Manufacturing		
		Electricity, gas, water, and waste services		
		Construction		
		Wholesale trade	1	6.7%
		Retail trade	1	6.7%
		Accommodation and food services		
		Transport, postal and warehousing	4	26.7%
		Information, media and telecommunications	8	53.3%
		Financial and insurance services		
		Rental, hiring and real estate services		
		Professional, scientific and technical services	2	13.3%
		Administrative and support services		

Business Stakeholder Survey 2023 results  
Demographics

**qDEM2mr. Which of the following best describes your business (or the business or group of businesses that you represent)? (Multiple Response)**

Function Area		Frequency	% of respondents
	Education and training		
	Health care and social assistance		
	Arts and recreation services		
	Other services	1	6.7%
	<b>Number of Respondents</b>	<b>15</b>	<b>100.0%</b>
Enforcement	Valid		
	Mining		
	Manufacturing		
	Electricity, gas, water, and waste services		
	Construction		
	Wholesale trade		
	Retail trade		
	Accommodation and food services		
	Transport, postal and warehousing		
	Information, media and telecommunications		
	Financial and insurance services		
	Rental, hiring and real estate services		
	Professional, scientific and technical services	3	100.0%
	Administrative and support services		
	Education and training		
	Health care and social assistance		
	Arts and recreation services		
	Other services		
	<b>Number of Respondents</b>	<b>3</b>	<b>100.0%</b>
Market studies and inquiries	Valid		
	Mining	2	7.1%
	Manufacturing	4	14.3%
	Electricity, gas, water, and waste services	12	42.9%
	Construction		
	Wholesale trade		
	Retail trade		
	Accommodation and food services		
	Transport, postal and warehousing		
	Information, media and telecommunications	5	17.9%
	Financial and insurance services	4	14.3%
	Rental, hiring and real estate services		

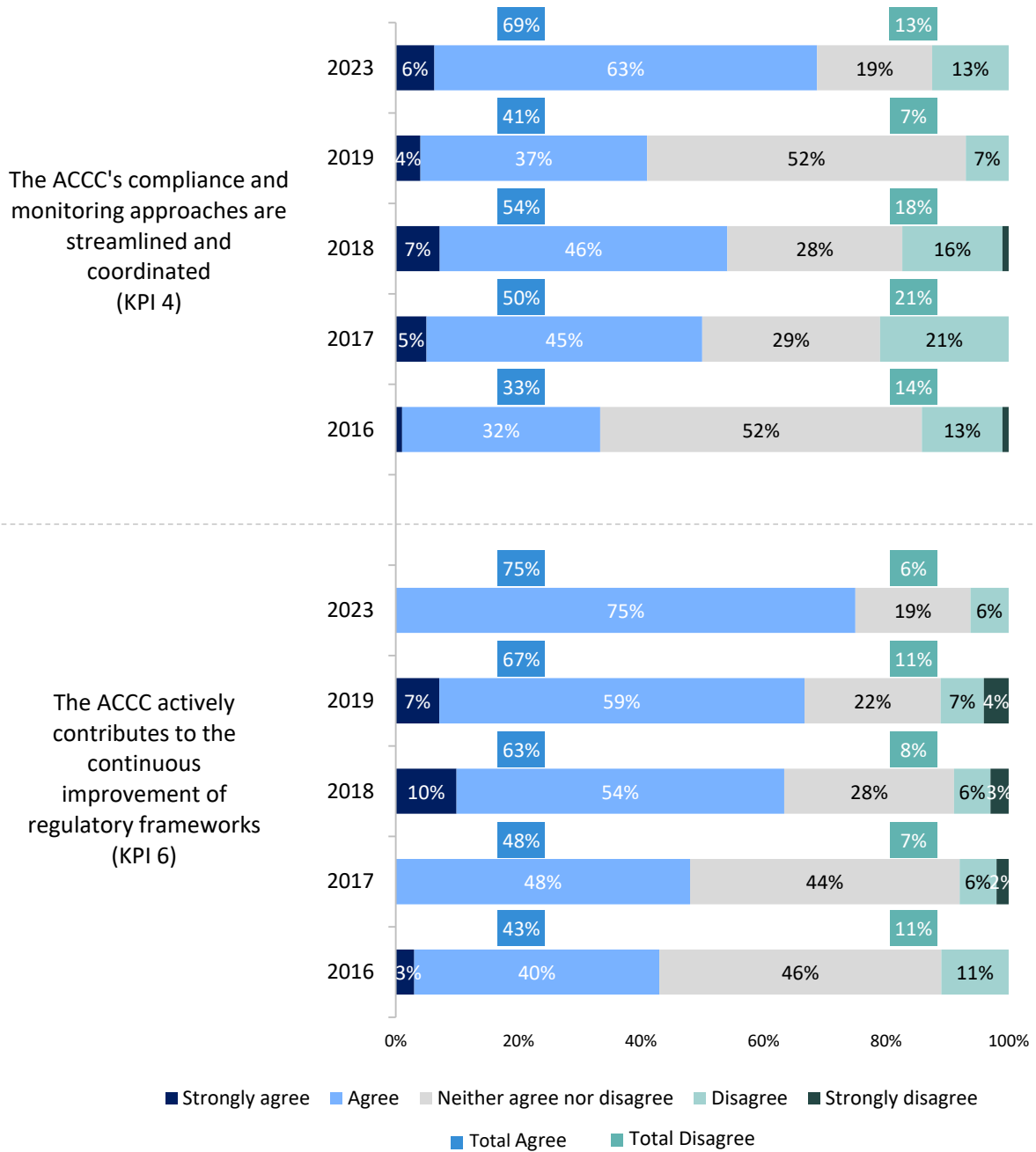
Business Stakeholder Survey 2023 results  
Demographics

**qDEM2mr. Which of the following best describes your business (or the business or group of businesses that you represent)? (Multiple Response)**

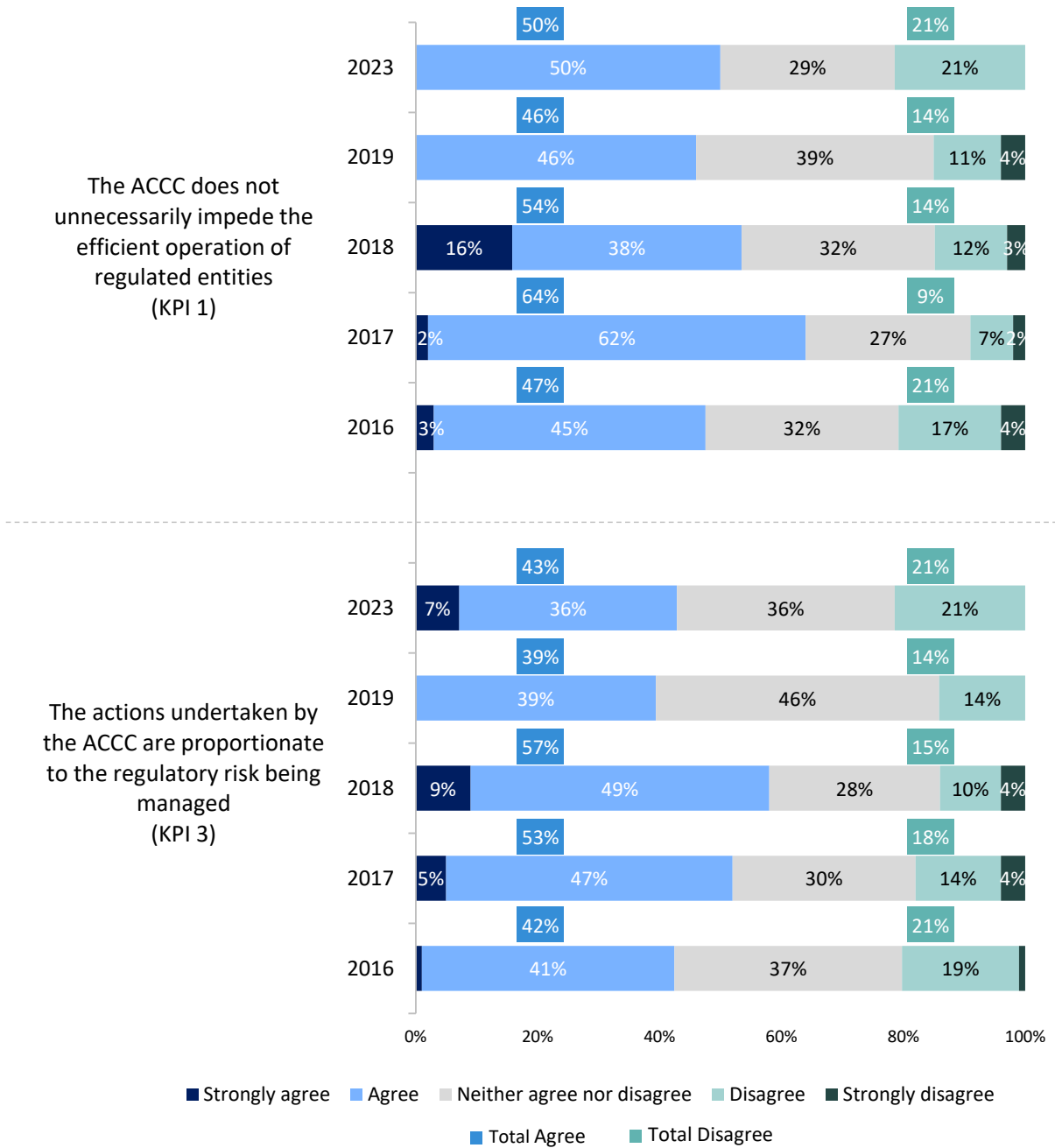
Function Area			Frequency	% of respondents
		Professional, scientific and technical services		
		Administrative and support services		
		Education and training		
		Health care and social assistance		
		Arts and recreation services		
		Other services	2	7.1%
		<b>Number of Respondents</b>	<b>28</b>	<b>100.0%</b>
Consumer Data Right	Valid	Mining		
		Manufacturing		
		Electricity, gas, water, and waste services	2	11.8%
		Construction		
		Wholesale trade		
		Retail trade		
		Accommodation and food services		
		Transport, postal and warehousing		
		Information, media and telecommunications	1	5.9%
		Financial and insurance services	16	94.1%
		Rental, hiring and real estate services		
		Professional, scientific and technical services		
		Administrative and support services		
		Education and training		
		Health care and social assistance		
		Arts and recreation services		
		Other services		
		<b>Number of Respondents</b>	<b>17</b>	<b>100.0%</b>

## **APPENDIX C: 2023 results versus previous years**

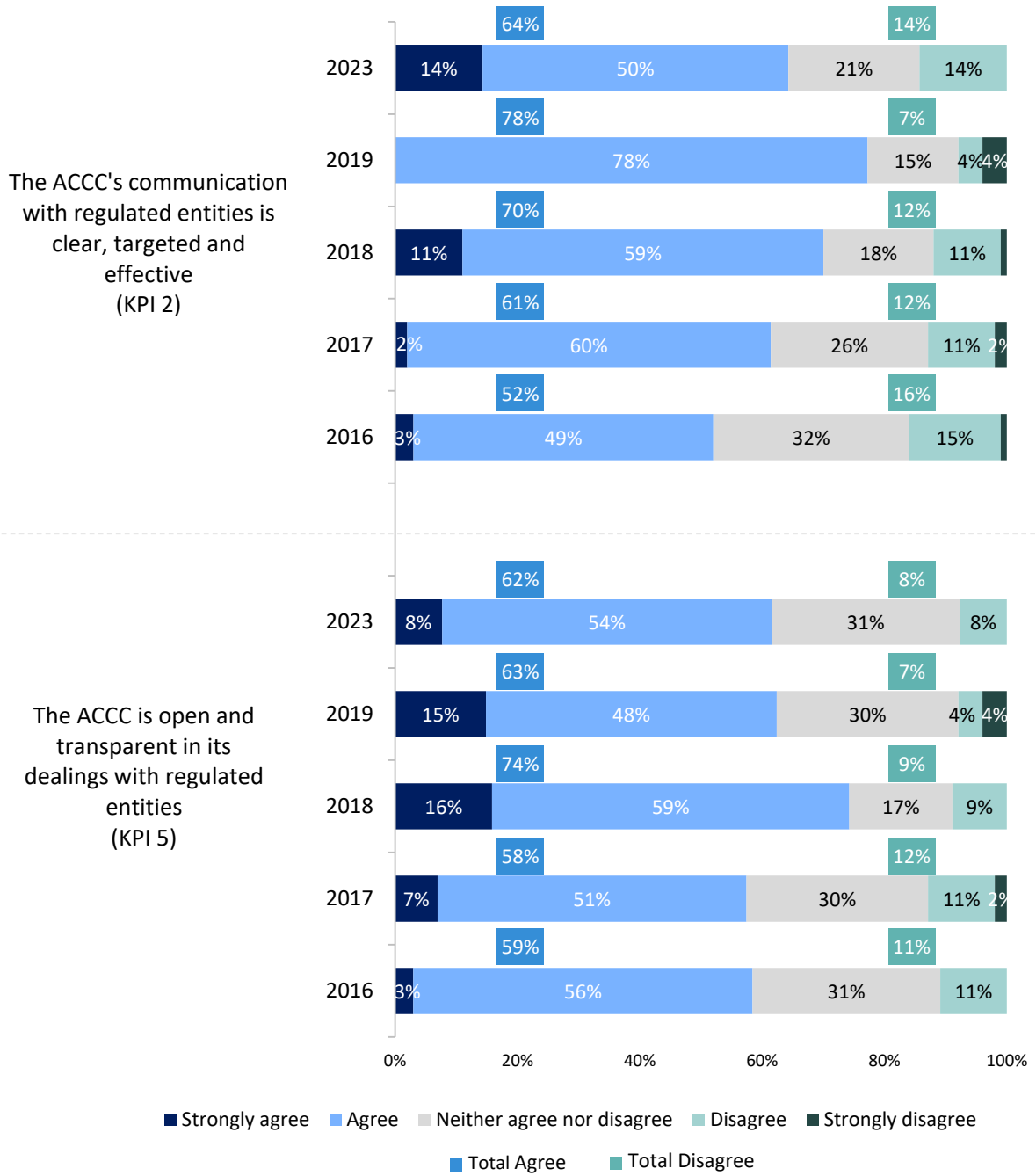
**Figure 1: RPG 1 - KPI summary (KPI 4 and KPI 6) – Merger and Authorisation Review**



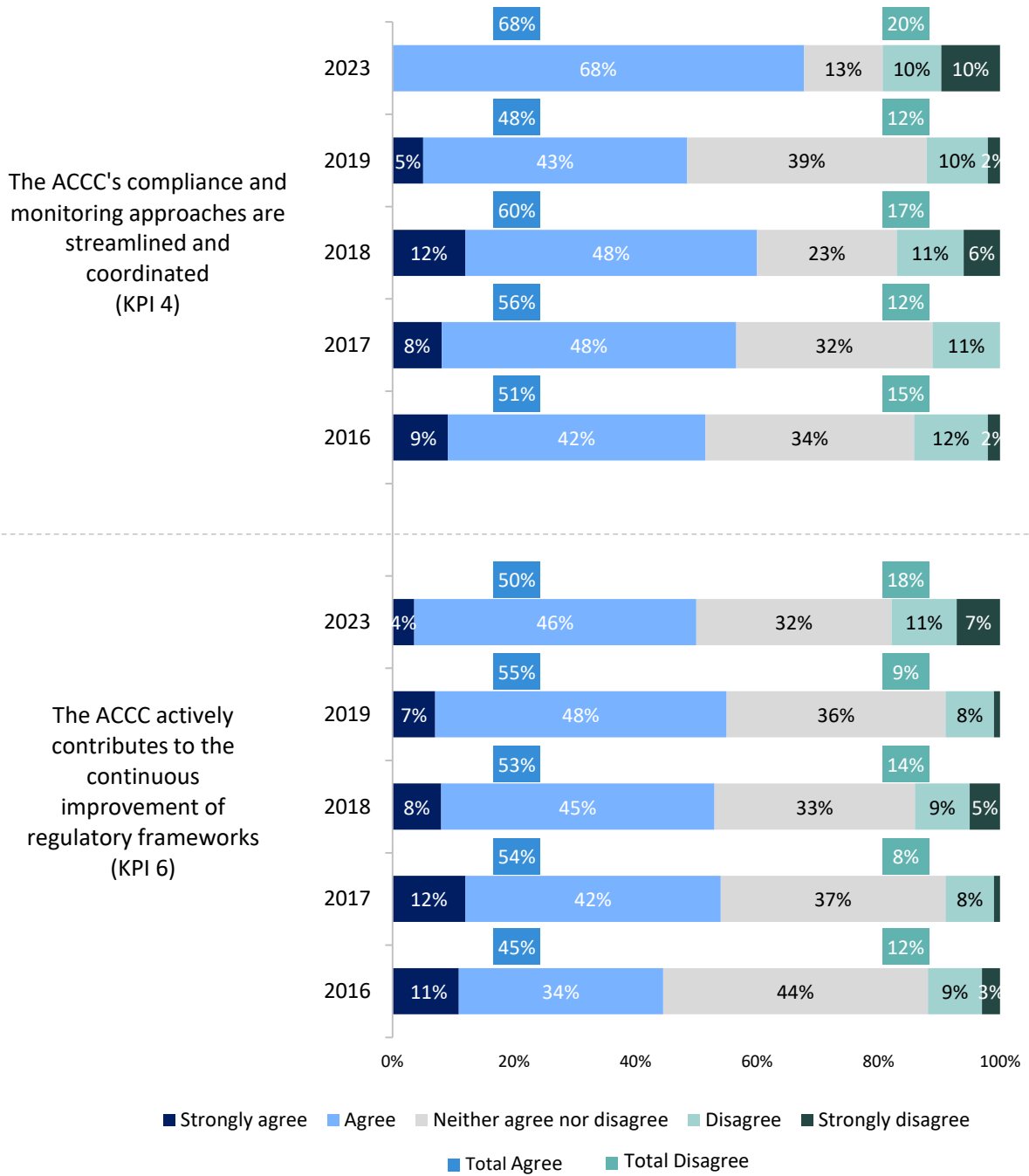
**Figure 2: RPG 2 - KPI summary (KPI 1 and KPI 3) – Merger and Authorisation Review**



**Figure 3: RPG 3 - KPI summary (KPI 2 and KPI 5) – Merger and Authorisation Review**

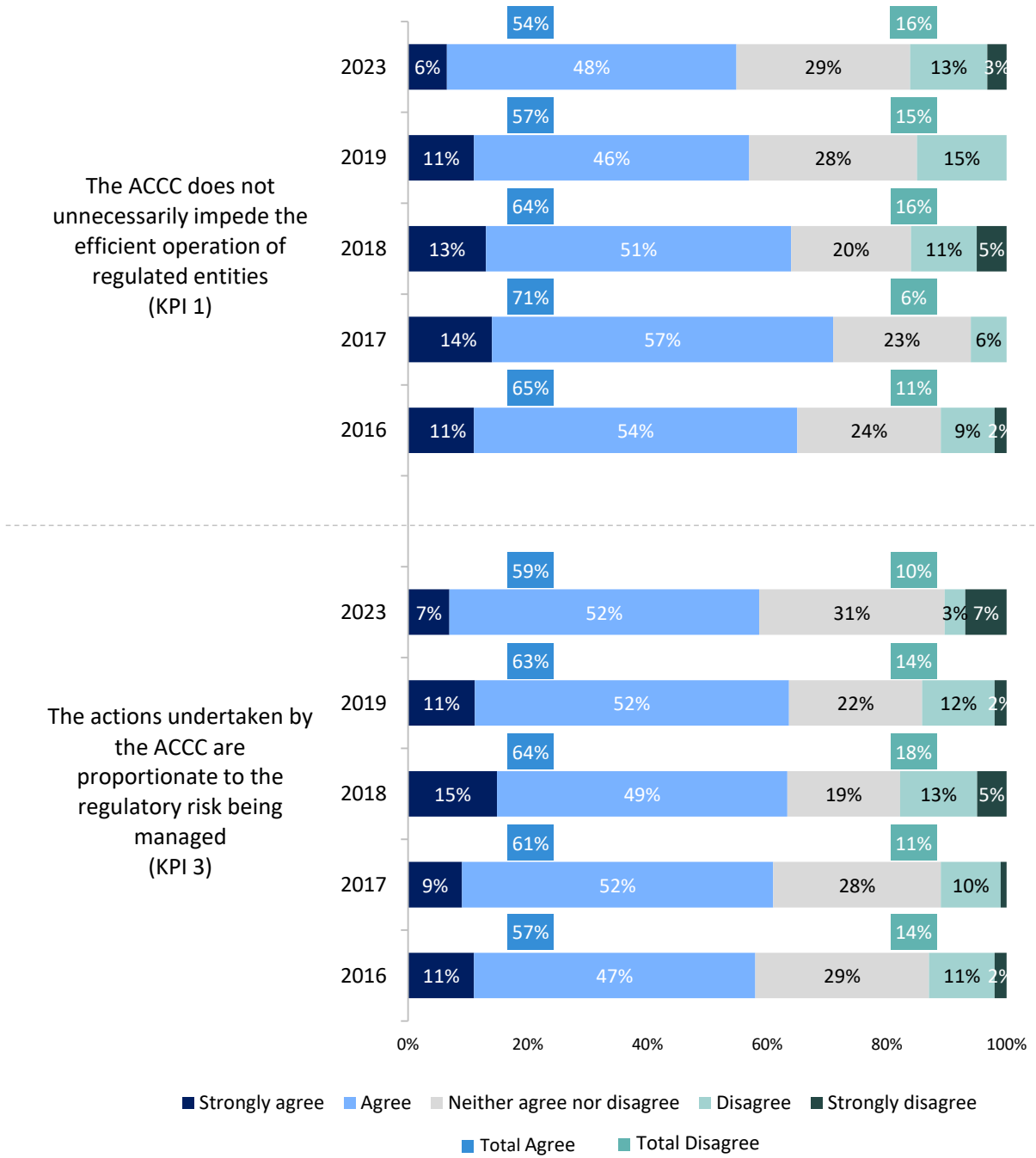


**Figure 4: RPG 1 - KPI summary (KPI 4 and KPI 6) – Product Safety**

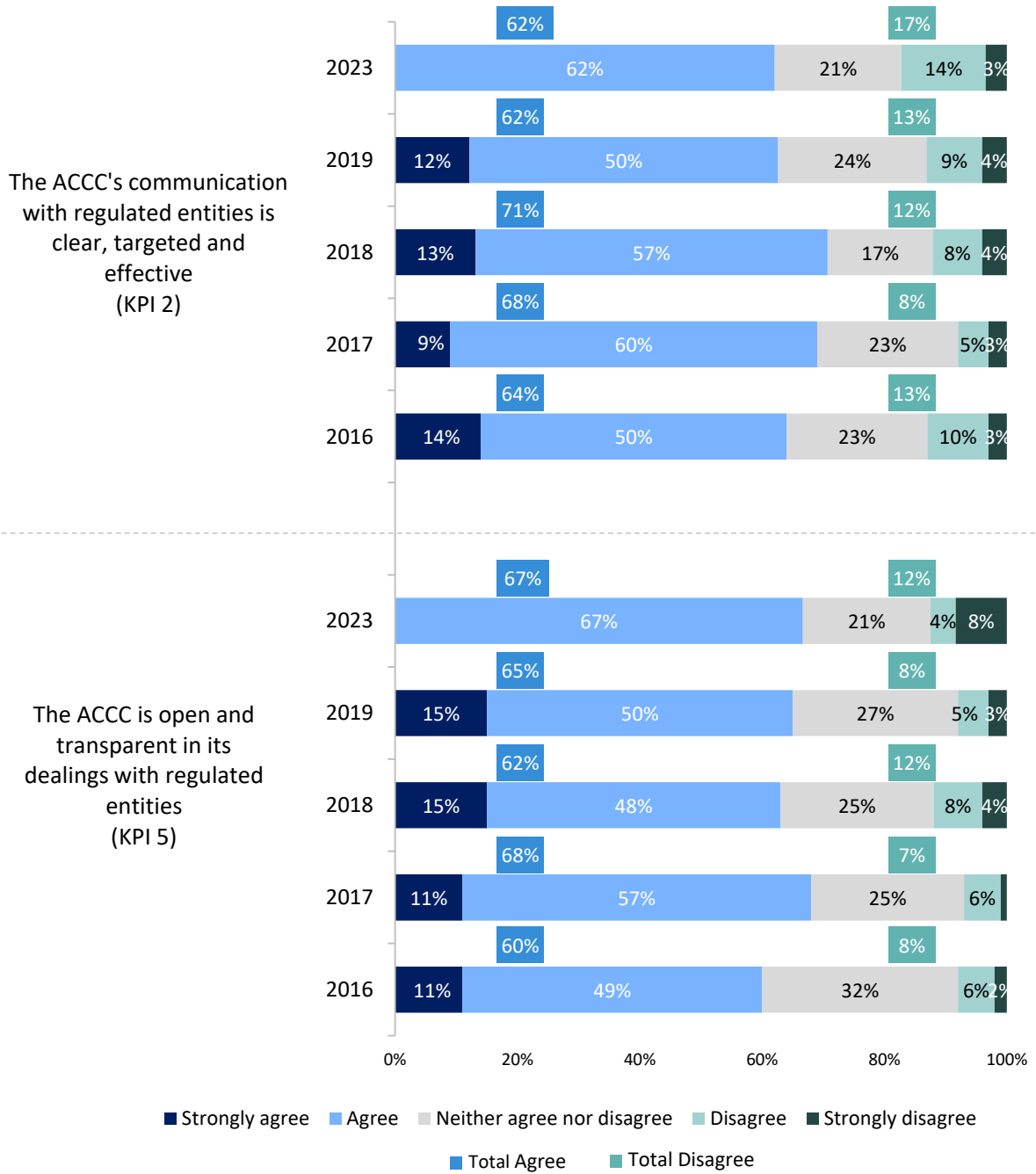




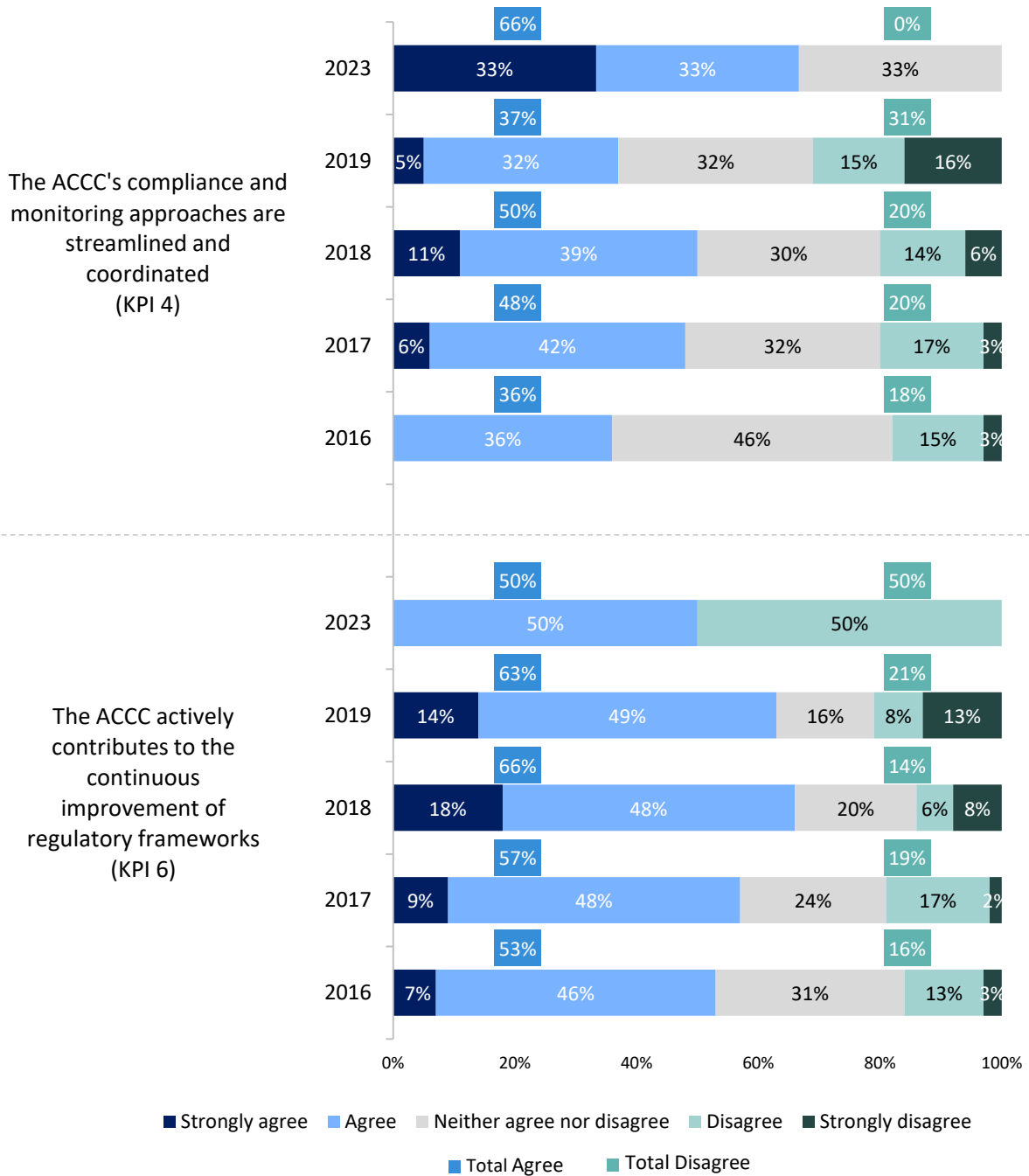
**Figure 5: RPG 2 - KPI summary (KPI 1 and KPI 3) – Product Safety**



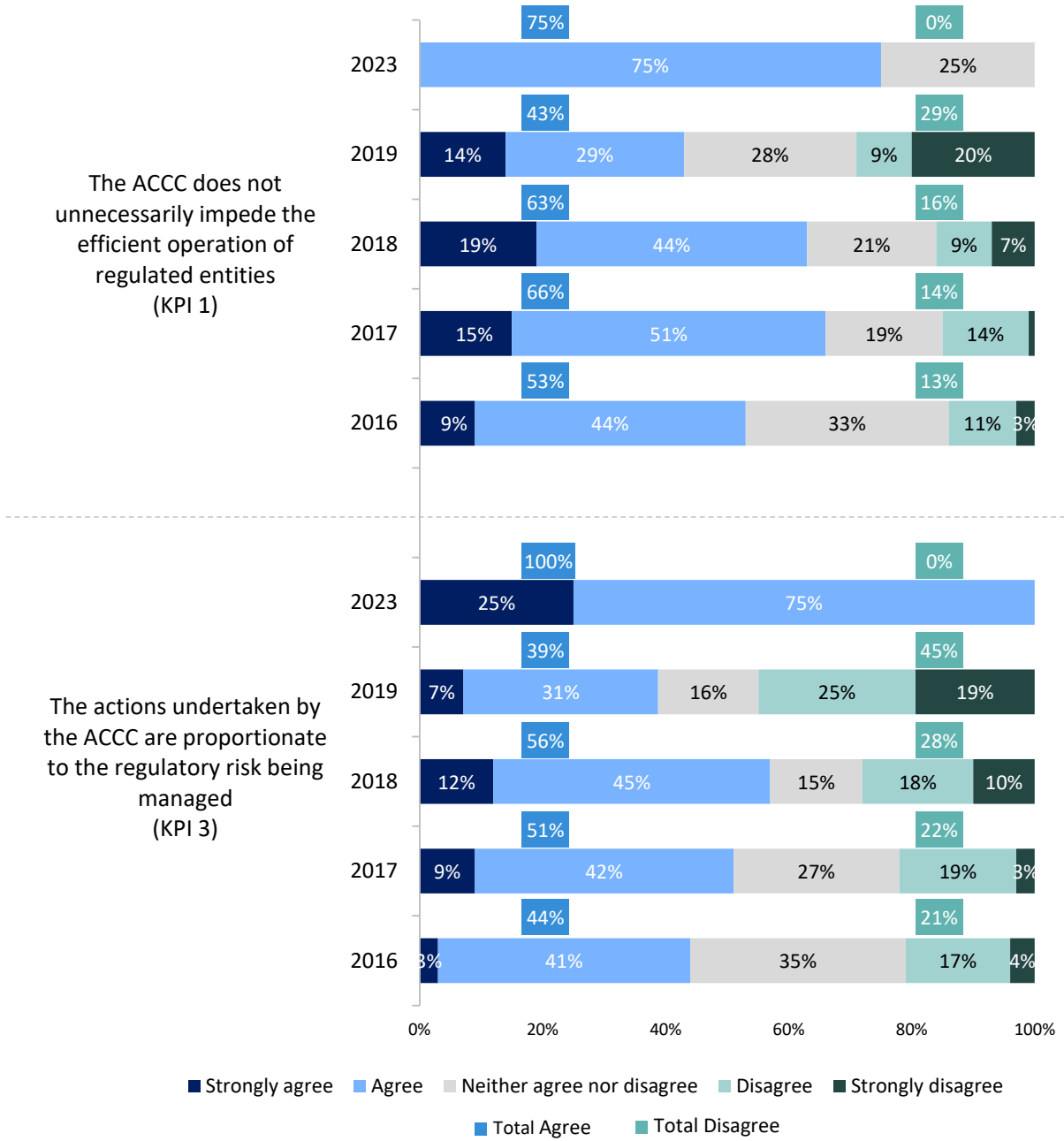
**Figure 6: RPG 3 - KPI summary (KPI 2 and KPI 5) – Product Safety**



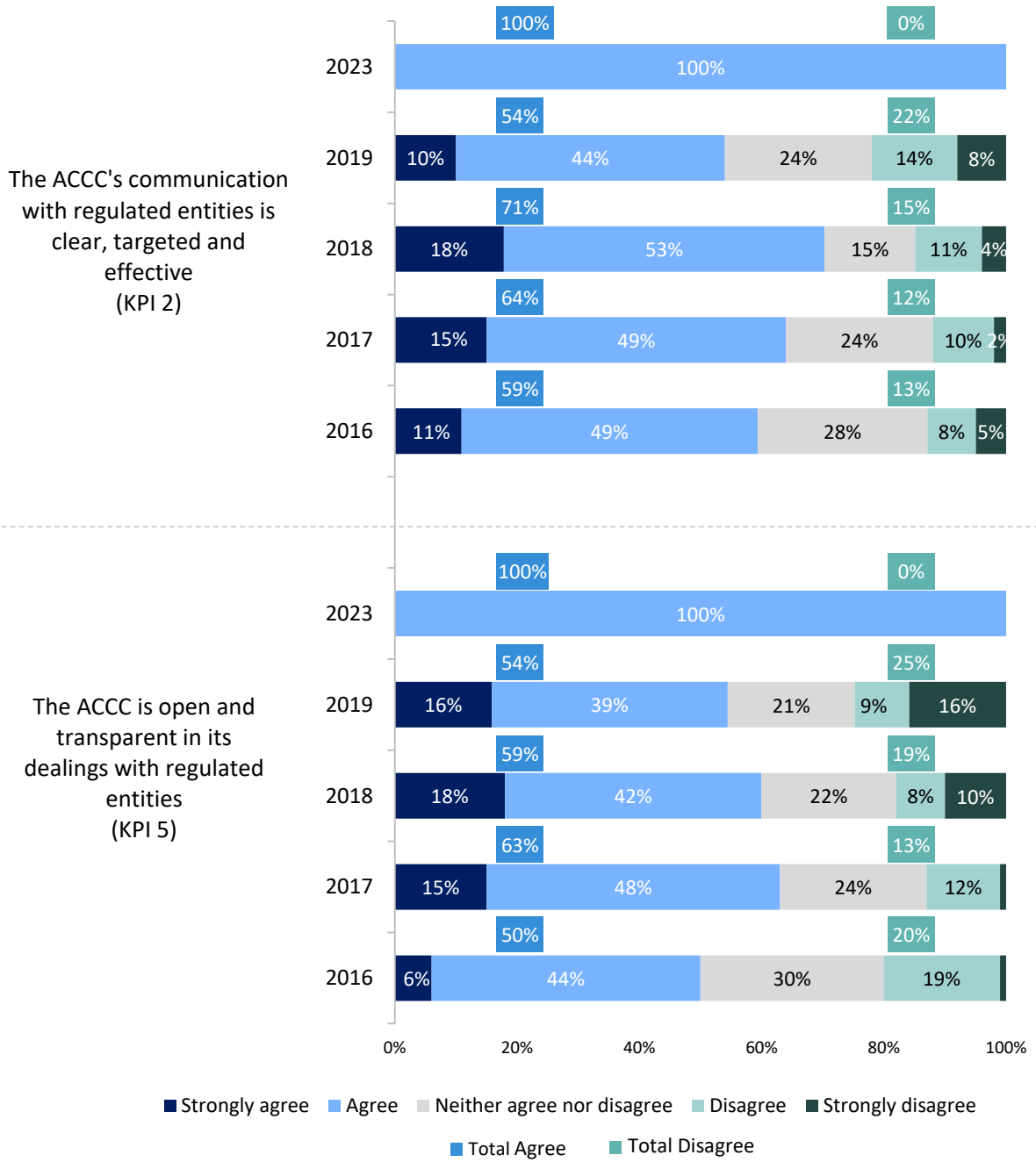
**Figure 7: RPG 1 - KPI summary (KPI 4 and KPI 6) – Small Business**



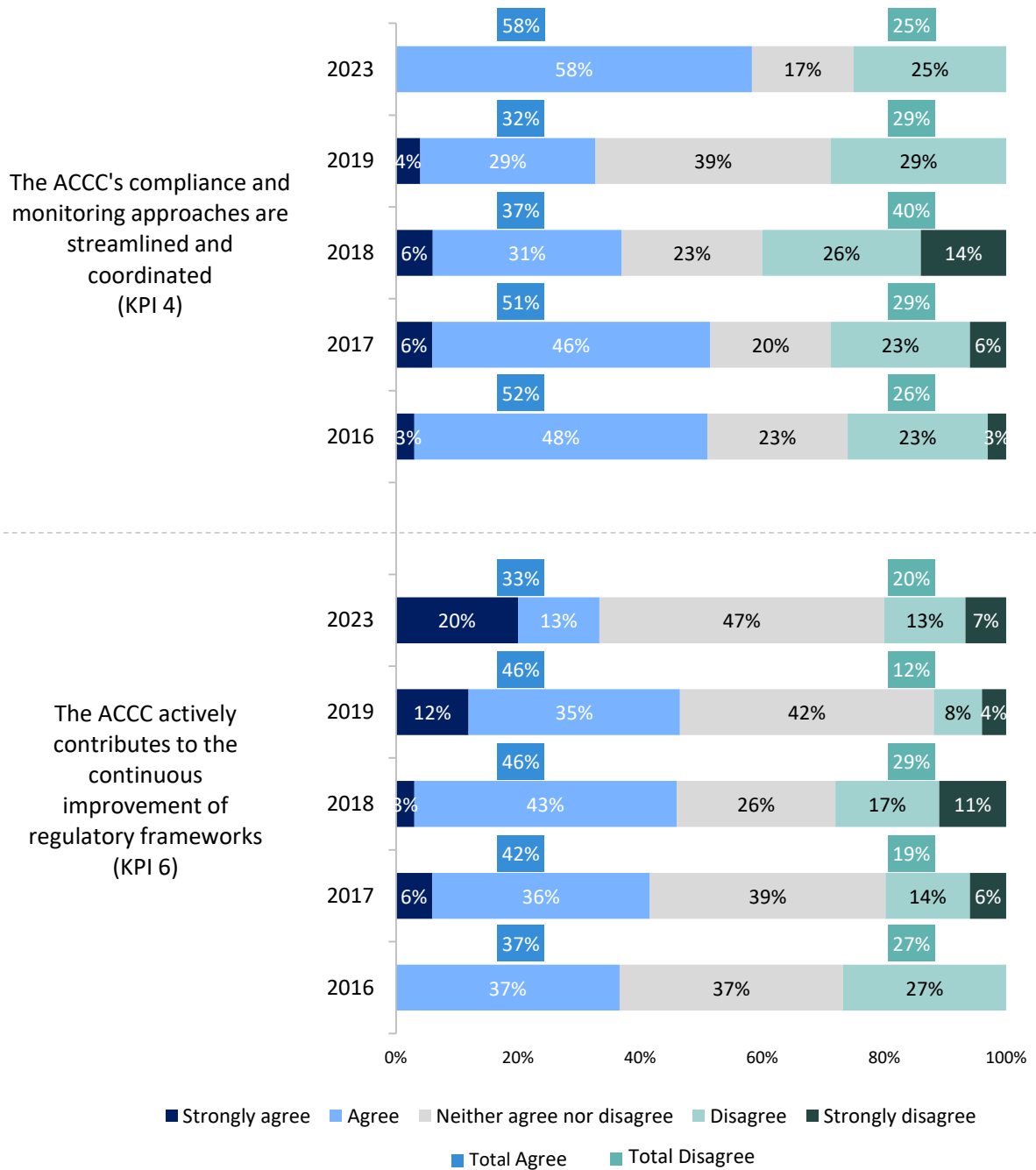
**Figure 8: RPG 2 - KPI summary (KPI 1 and KPI 3) – Small Business**



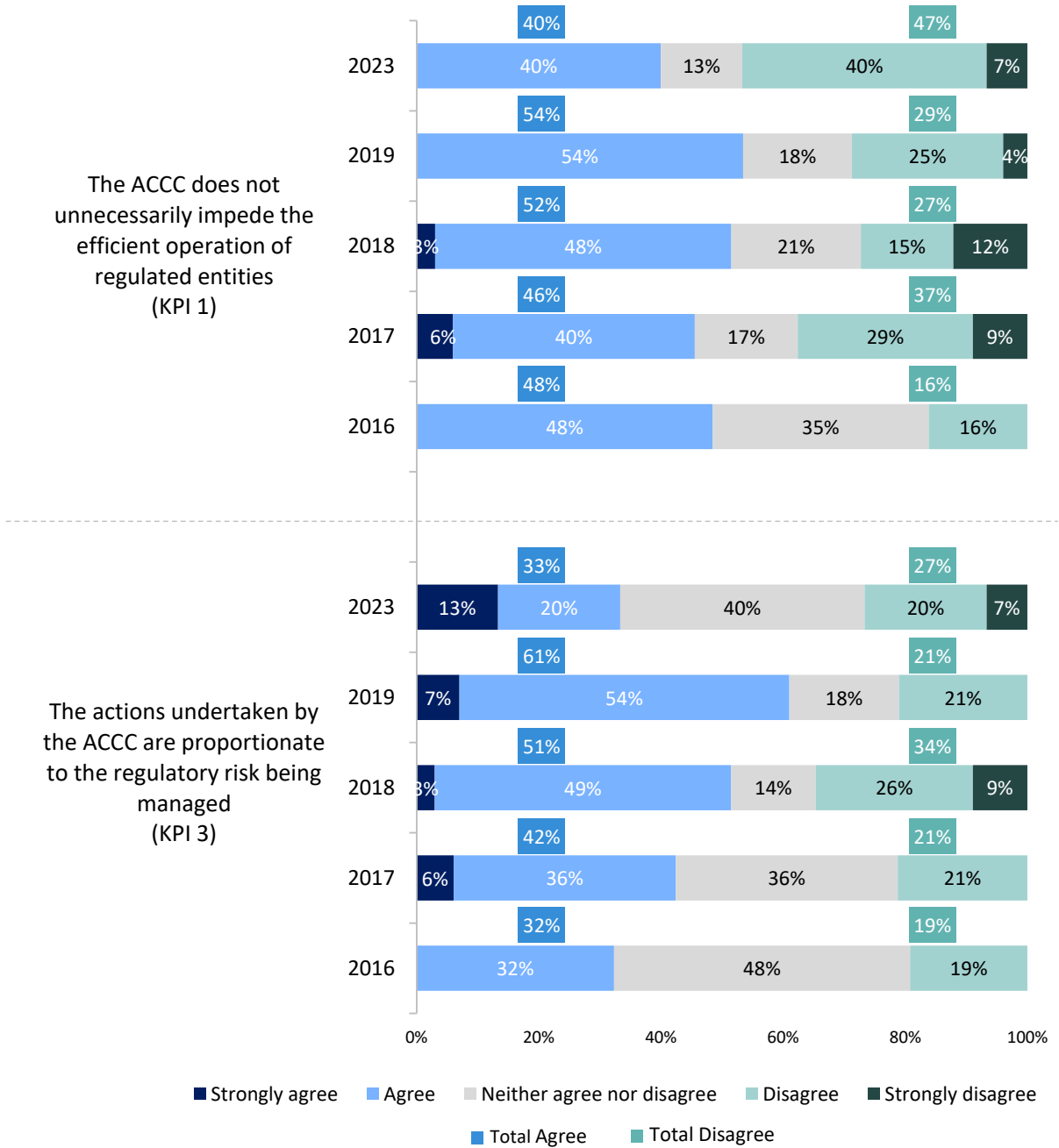
**Figure 9: RPG 3 - KPI summary (KPI 2 and KPI 5) – Small Business**



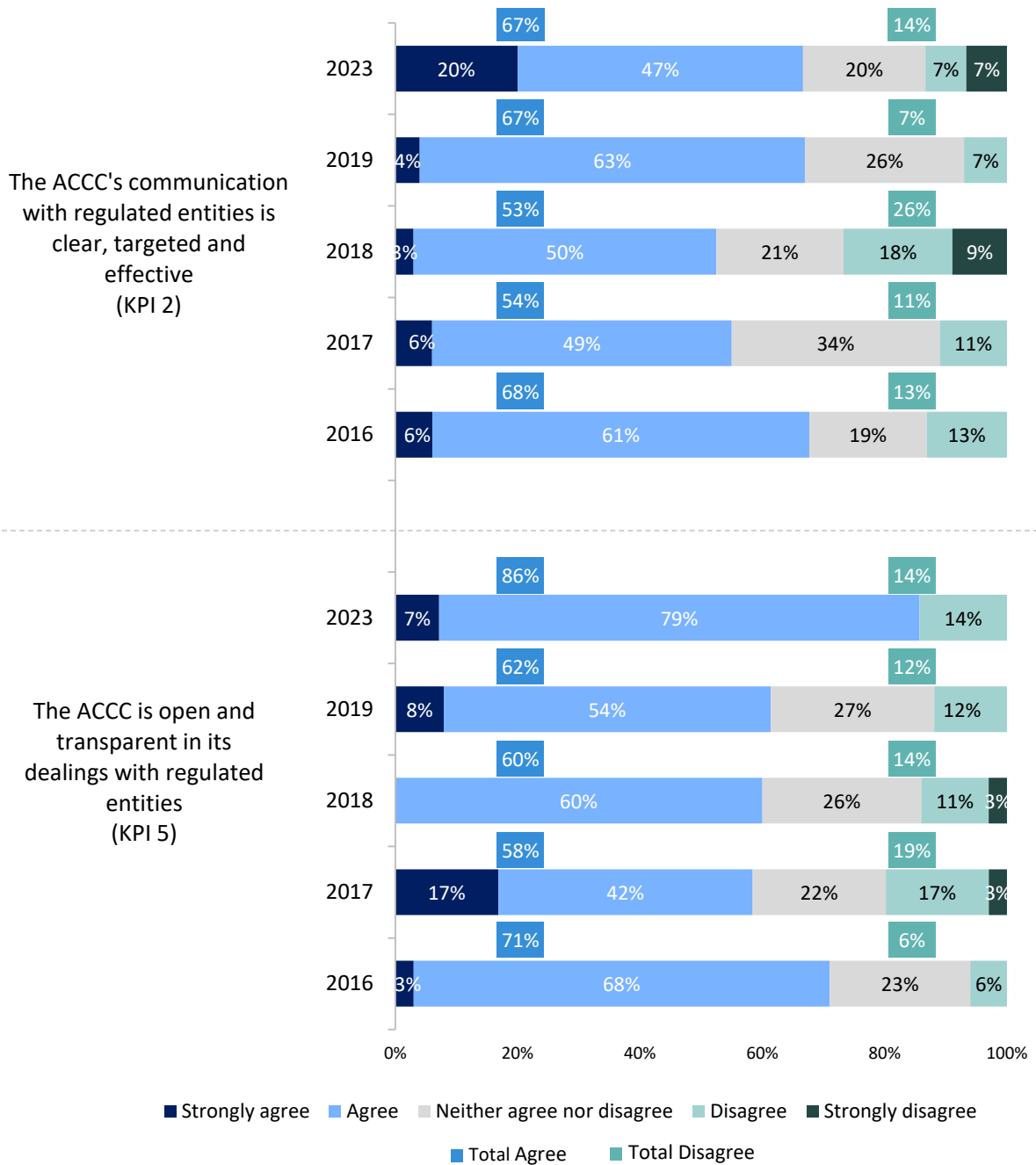
**Figure 10: RPG 1 - KPI summary (KPI 4 and KPI 6) – Infrastructure Regulation**



**Figure 11: RPG 2 - KPI summary (KPI 1 and KPI 3) – Infrastructure Regulation**

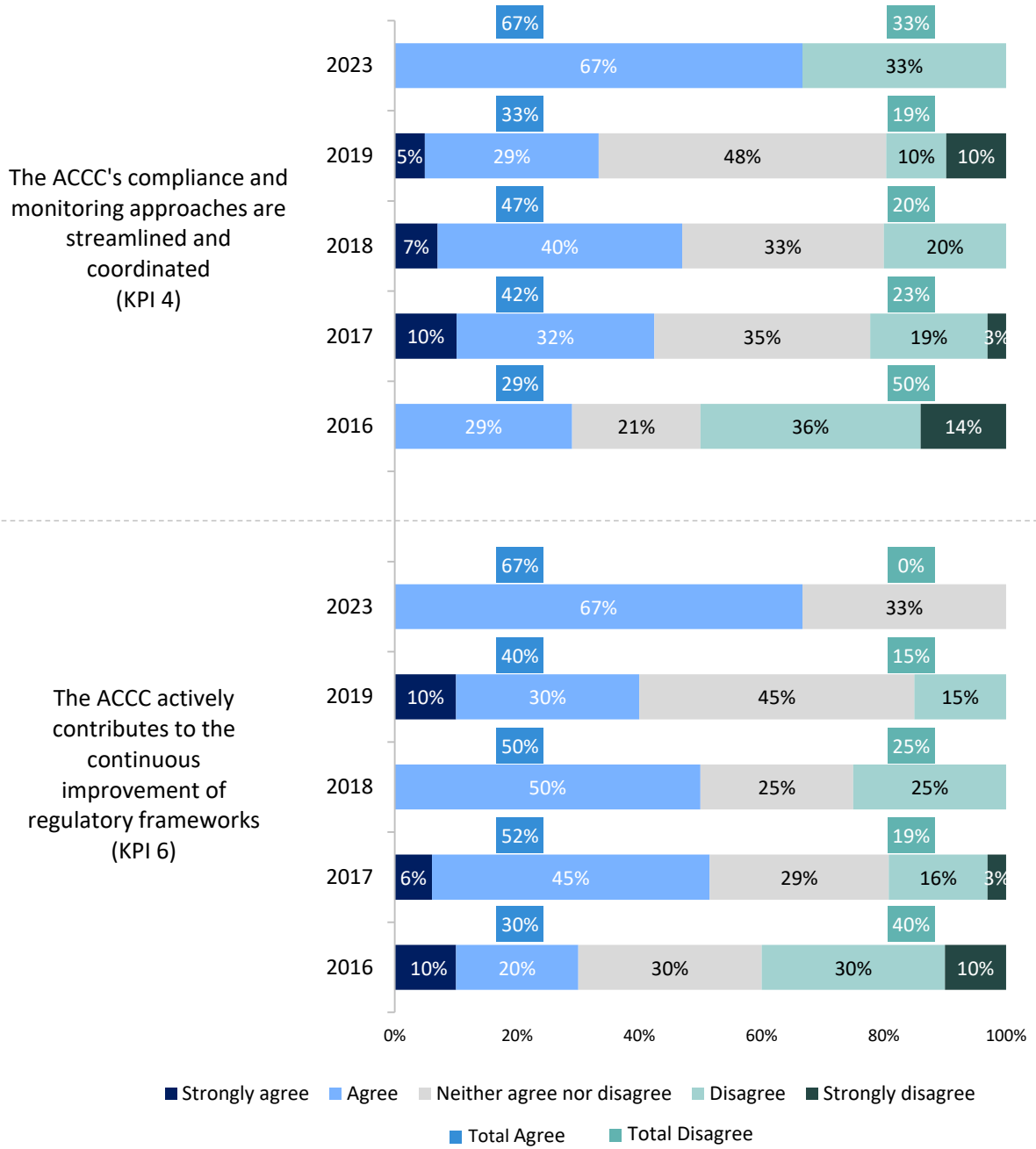


**Figure 12: RPG 3 - KPI summary (KPI 2 and KPI 5) – Infrastructure Regulation**

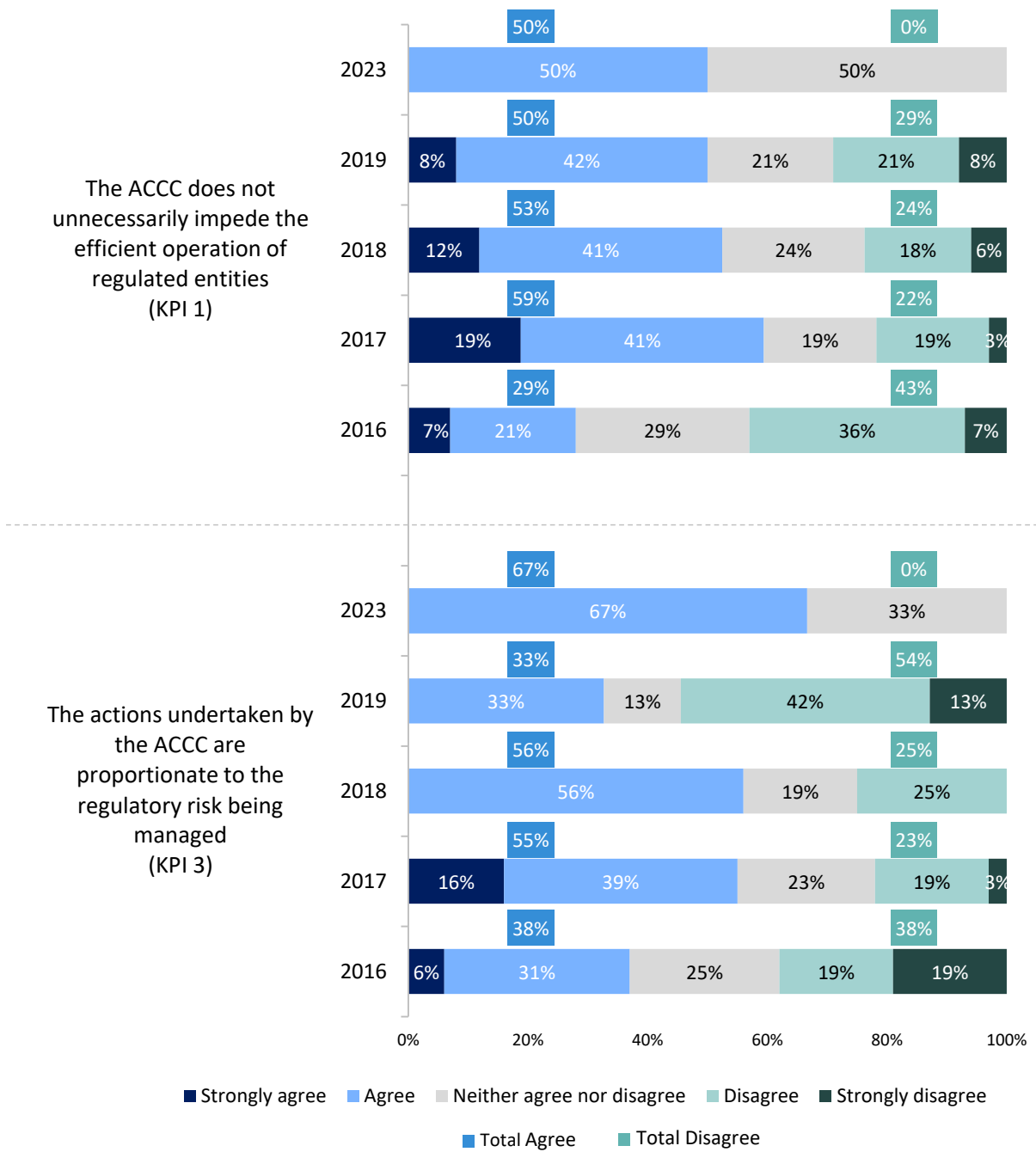




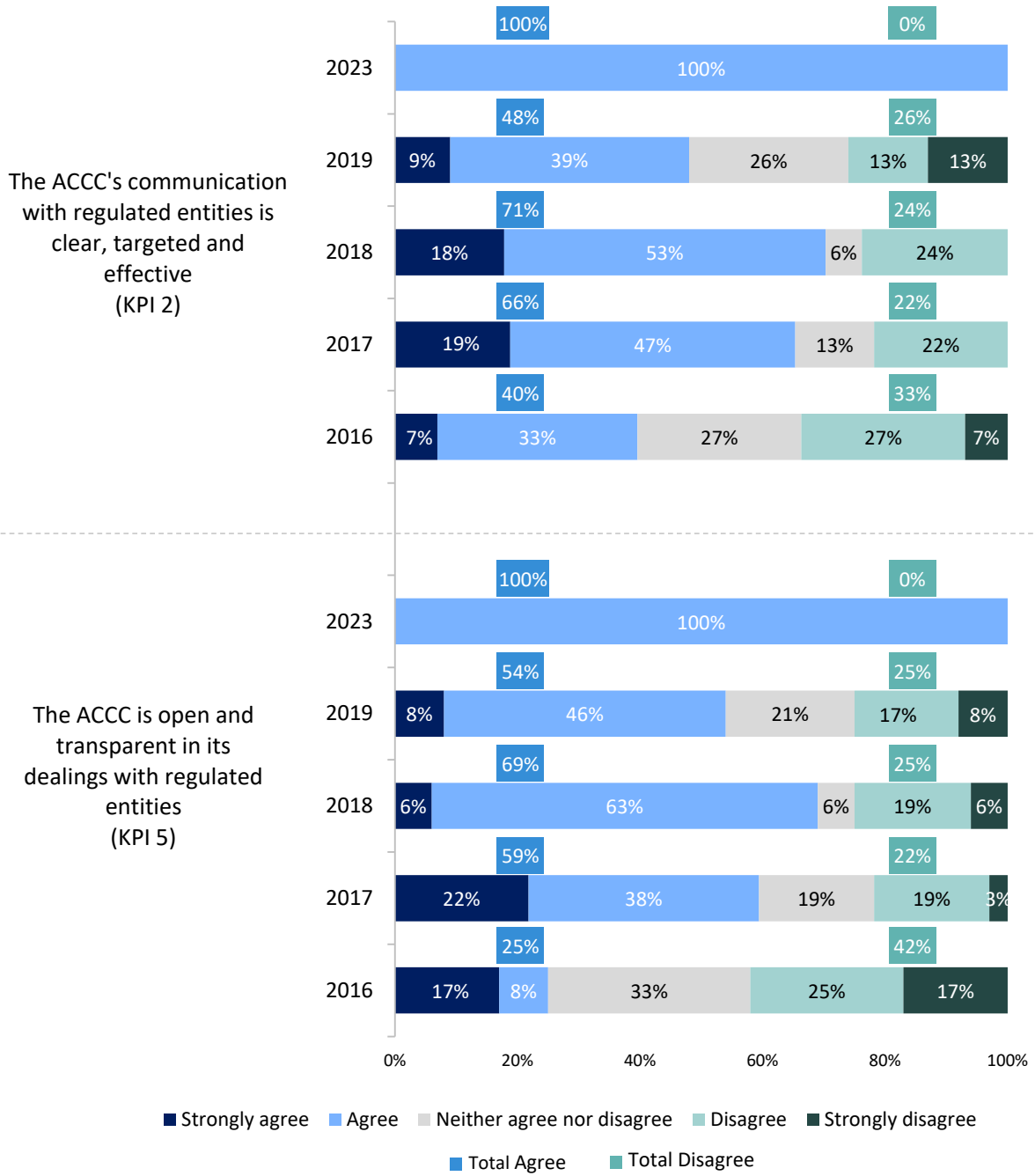
**Figure 13: RPG 1 - KPI summary (KPI 4 and KPI 6) – Enforcement**



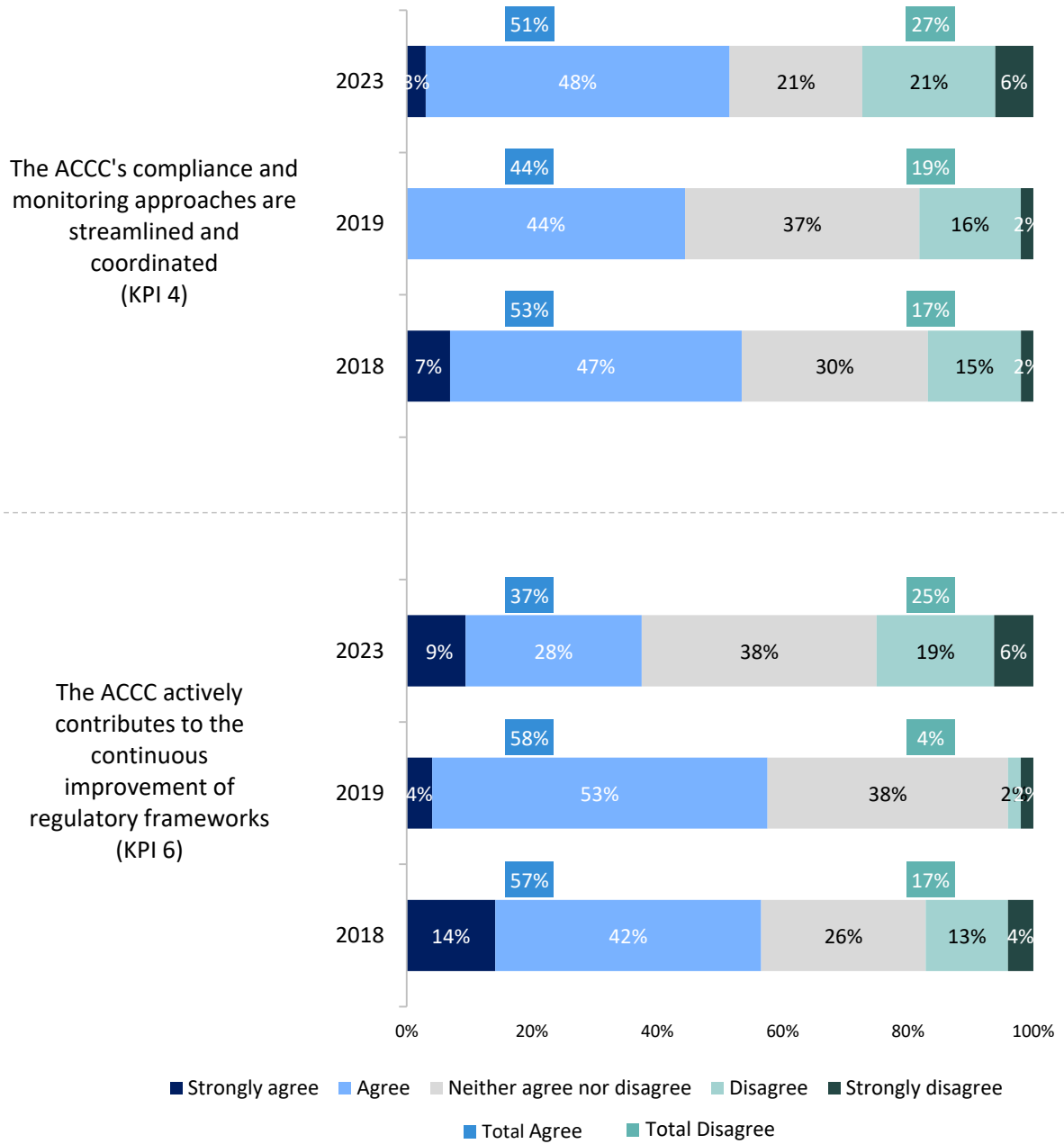
**Figure 14: RPG 2 - KPI summary (KPI 1 and KPI 3) – Enforcement**



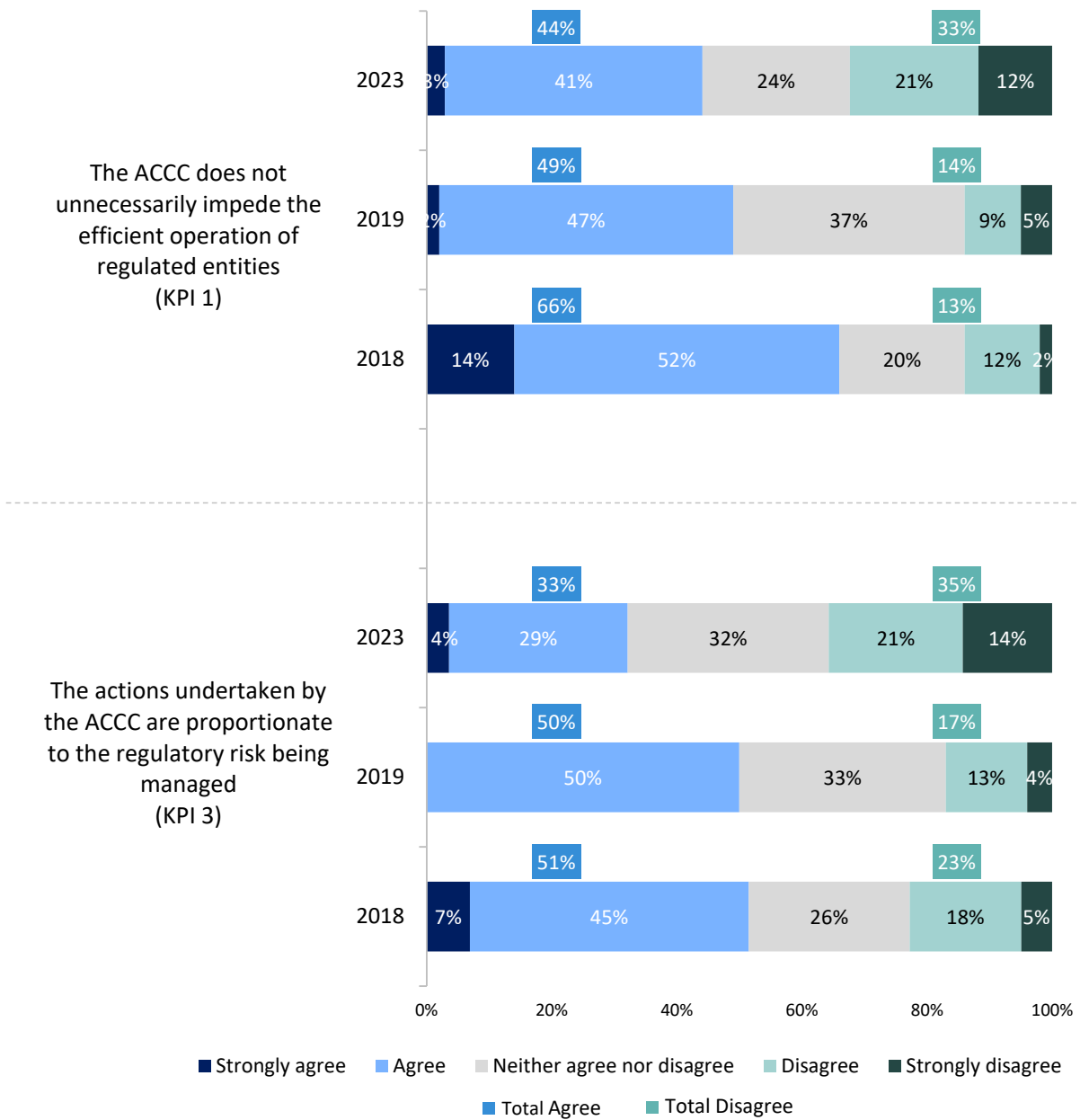
**Figure 15: RPG 3 - KPI summary (KPI 2 and KPI 5) – Enforcement**



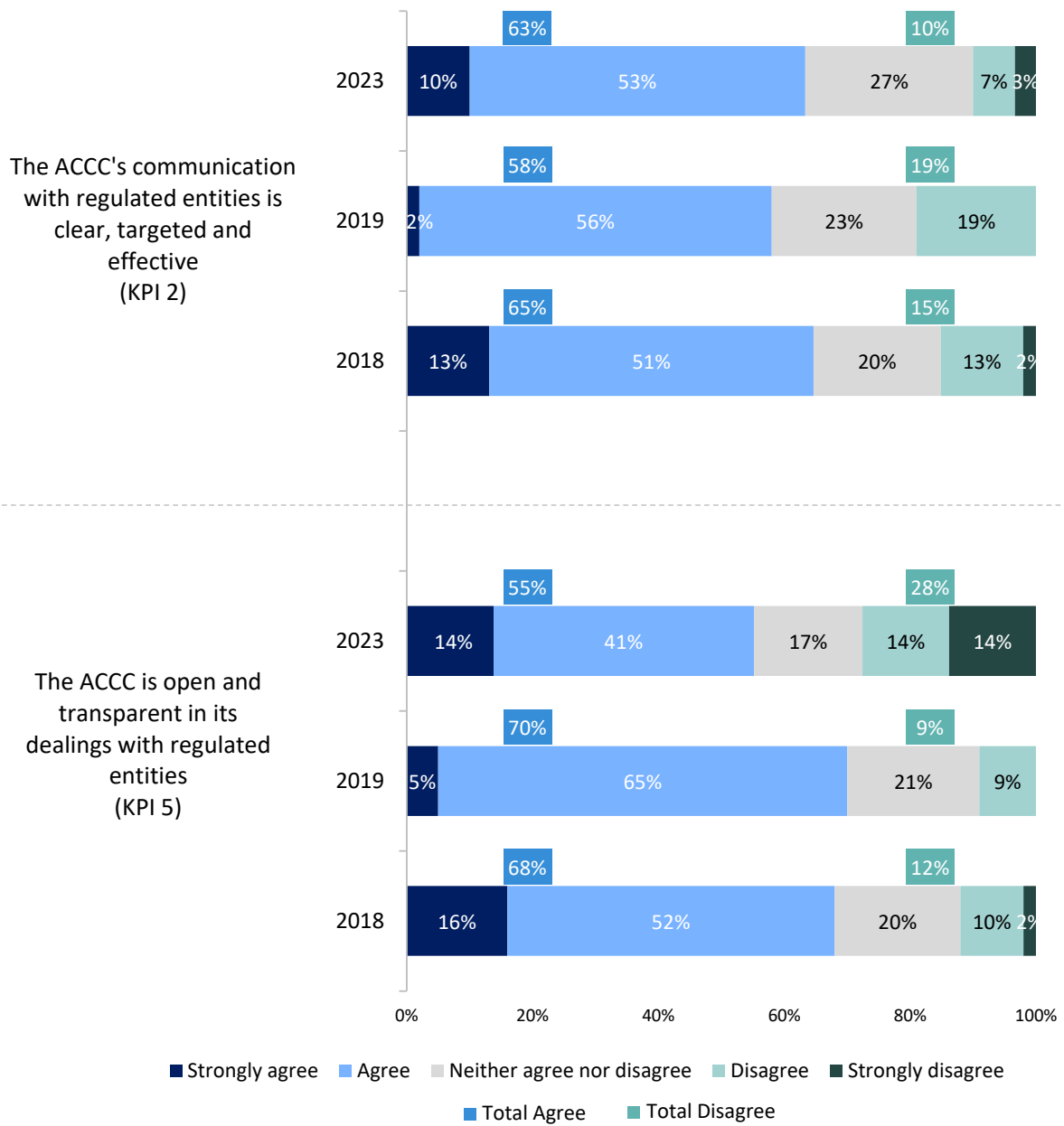
**Figure 16: RPG 1 - KPI summary (KPI 4 and KPI 6) – Market Studies and Inquiries**



**Figure 17: RPG 2 - KPI summary (KPI 1 and KPI 3) – Market Studies and Inquiries**



**Figure 18: RPG 3 - KPI summary (KPI 2 and KPI 5) – Market Studies and Inquiries**



## **APPENDIX D: KPI summary tables**

Tables 1 provides a summary of the key results for 2023 for each RPG index score and KPI statement across the six functions.

The **blue** number is the combined ‘strongly agree’ and ‘agree’ scores. The **green** number is the combined ‘disagree’ and ‘strongly disagree’ score.

Comparable tables from the previous surveys are reproduced in Tables 2 to 5, but have been reordered to align with the order of statements in 2023. Note that index scores could not be calculated for previous years’ results as raw data was not available (only aggregate percentage results).

**Table 1: KPI summary table, 2023 results – All function areas (%)**

	Merger and Authorisation Review	Small Business	Product Safety	Infrastructure Regulation	Enforcement	Market Studies and Inquiries	Consumer Data Right
<b>RPG 1: Continuous improvement and building trust (index points)</b>	<b>66.4ip</b>	<b>70.8ip</b>	<b>57.8ip</b>	<b>57.5ip</b>	<b>62.5ip</b>	<b>55.1ip</b>	<b>58.1ip</b>
KPI 4: The ACCC’s compliance and monitoring approaches are streamlined and coordinated	69 / 13	66 / 0	68 / 20	58 / 25	67 / 33	51 / 27	58 / 27
KPI 6: The ACCC actively contributes to the continuous improvement of regulatory frameworks	75 / 6	50 / 50	50 / 18	33 / 20	67 / 0	37 / 25	59 / 18
<b>RPG 2: Risk based, and data driven (index points)</b>	<b>58.3ip</b>	<b>75.0ip</b>	<b>62.1ip</b>	<b>50.0ip</b>	<b>65.6ip</b>	<b>49.3ip</b>	<b>49.3ip</b>
KPI 1: The ACCC does not unnecessarily impede the efficient operation of regulated entities	50 / 21	75 / 0	54 / 16	40 / 47	50 / 0	44 / 33	34 / 44
KPI 3: The actions undertaken by the ACCC are proportionate to the regulatory risk being managed	43 / 21	100 / 0	59 / 10	33 / 27	67 / 0	33 / 35	39 / 28
<b>RPG 3: Collaboration and engagement (index points)</b>	<b>66.1ip</b>	<b>75.0ip</b>	<b>60.3ip</b>	<b>68.3ip</b>	<b>75.0ip</b>	<b>60.1ip</b>	<b>52.8ip</b>
KPI 2: The ACCC’s communication with regulated entities is clear, targeted and effective	64 / 14	100 / 0	62 / 17	67 / 14	100 / 0	63 / 10	39 / 45
KPI 5: The ACCC is open and transparent in its dealings with regulated entities	62 / 8	100 / 0	67 / 12	86 / 14	100 / 0	55 / 28	53 / 18



**Table 2: KPI summary table, 2019 results – All function areas (%)**

	Merger and Authorisation Review	Small Business	Product Safety	Infrastructure Regulation	Enforcement	Market Studies and Inquiries
KPI 4: The ACCC's compliance and monitoring approaches are streamlined and coordinated	41 / 7	37 / 31	48 / 12	32 / 29	33 / 19	44 / 19
KPI 6: The ACCC actively contributes to the continuous improvement of regulatory frameworks	67 / 11	63 / 21	55 / 9	46 / 12	40 / 15	58 / 4
KPI 1: The ACCC does not unnecessarily impede the efficient operation of regulated entities	46 / 14	43 / 29	57 / 15	54 / 29	50 / 29	49 / 14
KPI 3: The actions undertaken by the ACCC are proportionate to the regulatory risk being managed	39 / 14	39 / 45	63 / 14	61 / 21	33 / 54	50 / 17
KPI 2: The ACCC's communication with regulated entities is clear, targeted and effective	78 / 7	54 / 22	62 / 13	67 / 7	48 / 26	58 / 19
KPI 5: The ACCC is open and transparent in its dealings with regulated entities	63 / 7	54 / 25	65 / 8	62 / 12	54 / 25	70 / 9

**Table 3: KPI summary table, 2018 results – All function areas (%)**

	Merger and Authorisation Review	Small Business	Product Safety	Infrastructure Regulation	Enforcement	Market Studies and Inquiries
KPI 4: The ACCC's compliance and monitoring approaches are streamlined and coordinated	54 / 18	50 / 20	60 / 17	37 / 40	47 / 20	53 / 17
KPI 6: The ACCC actively contributes to the continuous improvement of regulatory frameworks	63 / 8	66 / 14	53 / 14	46 / 29	50 / 25	57 / 17
KPI 1: The ACCC does not unnecessarily impede the efficient operation of regulated entities	54 / 14	63 / 16	64 / 16	52 / 27	53 / 24	66 / 13
KPI 3: The actions undertaken by the ACCC are proportionate to the regulatory risk being managed	57 / 15	56 / 28	63 / 18	51 / 34	56 / 25	51 / 23
KPI 2: The ACCC's communication with regulated entities is clear, targeted and effective	70 / 12	71 / 15	71 / 12	53 / 26	71 / 24	65 / 15
KPI 5: The ACCC is open and transparent in its dealings with regulated entities	74 / 9	59 / 19	62 / 12	60 / 14	69 / 25	68 / 12

**Table 4: KPI summary table, 2017 results – All function areas (%)**

	Merger and Authorisation Review	Small Business	Product Safety	Infrastructure Regulation	Enforcement
KPI 4: The ACCC's compliance and monitoring approaches are streamlined and coordinated	50 / 21	48 / 20	56 / 12	51 / 29	42 / 23
KPI 6: The ACCC actively contributes to the continuous improvement of regulatory frameworks	48 / 7	57 / 19	54 / 8	42 / 19	52 / 19
KPI 1: The ACCC does not unnecessarily impede the efficient operation of regulated entities	64 / 9	66 / 14	71 / 6	46 / 37	59 / 22
KPI 3: The actions undertaken by the ACCC are proportionate to the regulatory risk being managed	53 / 18	51 / 22	61 / 11	42 / 21	55 / 23
KPI 2: The ACCC's communication with regulated entities is clear, targeted and effective	61 / 12	64 / 12	68 / 8	54 / 11	66 / 22
KPI 5: The ACCC is open and transparent in its dealings with regulated entities	58 / 12	63 / 13	68 / 7	58 / 19	59 / 22

**Table 5: KPI summary table, 2016 results – All function areas (%)**

	<b>Merger and Authorisation Review</b>	<b>Small Business</b>	<b>Product Safety</b>	<b>Infrastructure Regulation</b>	<b>Enforcement</b>
KPI 4: The ACCC's compliance and monitoring approaches are streamlined and coordinated	33 / 14	36 / 18	51 / 15	52 / 26	29 / 50
KPI 6: The ACCC actively contributes to the continuous improvement of regulatory frameworks	43 / 11	53 / 16	45 / 12	37 / 27	30 / 40
KPI 1: The ACCC does not unnecessarily impede the efficient operation of regulated entities	47 / 21	53 / 13	65 / 11	48 / 16	29 / 43
KPI 3: The actions undertaken by the ACCC are proportionate to the regulatory risk being managed	42 / 21	44 / 21	57 / 14	32 / 19	38 / 38
KPI 2: The ACCC's communication with regulated entities is clear, targeted and effective	52 / 16	59 / 13	64 / 13	68 / 13	40 / 33
KPI 5: The ACCC is open and transparent in its dealings with regulated entities	59 / 11	50 / 20	60 / 8	71 / 6	25 / 42

## **APPENDIX E: Questionnaire concordance with 2019**

<b>Comparability</b>	<b>2023</b>	<b>Question wording</b>	<b>2019</b>	<b>Question wording</b>
<i>Directly comparable</i>	q1a	The ACCC makes information requests only when necessary to achieve regulatory objectives	QD1	The ACCC makes information requests only when necessary to achieve regulatory objectives
<i>Directly comparable</i>	q1b	The ACCC's information requests are tailored to a specific matter	QD1	The ACCC's information requests are tailored to a specific matter
<i>Directly comparable</i>	q1c	The ACCC uses existing information, and shares information with other regulators where possible	QD1	The ACCC uses existing information, and shares information with other regulators where possible
<i>Directly comparable</i>	q1d	The ACCC takes into consideration the operational needs of regulated businesses when monitoring their activities	QD1	The ACCC takes into consideration the operational needs of regulated businesses when monitoring their activities
<i>Directly comparable</i>	q2	The ACCC's compliance and monitoring approaches are streamlined and coordinated	QD2	The ACCC's compliance and monitoring approaches are streamlined and coordinated
<i>New question</i>	q3\$	Why have you given that rating?		
<i>Directly comparable</i>	q4a	The ACCC establishes cooperative and collaborative relationships with regulated businesses to improve the efficiency and effectiveness of the regulatory framework	QF1	The ACCC establishes cooperative and collaborative relationships with regulated businesses to improve the efficiency and effectiveness of the regulatory framework
<i>Directly comparable</i>	q4b	The ACCC engages with regulated businesses in the development of options to reduce compliance costs	QF1	The ACCC engages with regulated businesses in the development of options to reduce compliance costs
<i>Directly comparable</i>	q4c	The ACCC shares feedback from stakeholders with policy departments to improve the regulatory framework	QF1	The ACCC shares feedback from stakeholders with policy departments to improve the regulatory framework
<i>New question</i>	q4d	The ACCC maintains an awareness of how regulatory frameworks impact different types of businesses (different sizes, industries, etc.)	-	-
<i>New question</i>	q4e	The ACCC considers how technological change interacts with regulatory frameworks	-	-
<i>Directly comparable</i>	q5	The ACCC actively contributes to the continuous improvement of regulatory frameworks	QF2	The ACCC actively contributes to the continuous improvement of regulatory frameworks
<i>New question</i>	q6\$	Why have you given that rating?	-	-
<i>Directly comparable</i>	q7a	The ACCC understands the operating environments of the businesses it regulates	QA1	The ACCC understands the operating environments of the businesses it regulates

<i>Directly comparable</i>	q7b	The ACCC takes into consideration emerging issues that affect the industry sector	QA1	The ACCC takes into consideration emerging issues that affect the industry sector
<i>Directly comparable</i>	q7c	The ACCC takes into consideration the potential for unintended negative impacts of its regulatory activities on businesses	QA1	The ACCC takes into consideration the potential for unintended negative impacts of its regulatory activities on businesses
<i>Directly comparable</i>	q7d	The ACCC's decisions and actions are taken in a timely manner, reflecting the complexity and nature of the matter	QA1	The ACCC's decisions and actions are taken in a timely manner, reflecting the complexity and nature of the matter
<i>Directly comparable</i>	q7e	The ACCC works with stakeholders to identify opportunities to minimise the compliance burden, whilst not undermining the intent of the primary legislation	QA1	The ACCC works with stakeholders to identify opportunities to minimise the compliance burden, whilst not undermining the intent of the primary legislation
<i>Directly comparable</i>	q8	The ACCC does not unnecessarily impede the efficient operation of regulated entities	QA2	The ACCC does not unnecessarily impede the efficient operation of regulated entities
<i>New question</i>	q9\$	Why have you given that rating?	-	-
<i>Directly comparable</i>	q10a	The ACCC applies a risk based, proportionate approach to compliance obligations, enforcement actions and regulatory decisions	QC1	The ACCC applies a risk based, proportionate approach to compliance obligations, enforcement actions and regulatory decisions
<i>Directly comparable</i>	q10b	The ACCC's strategies, activities and enforcement actions reflect changing priorities that result from new and evolving risks	QC1	The ACCC's strategies, activities and enforcement actions reflect changing priorities that result from new and evolving risks
<i>Directly comparable</i>	q10c	The ACCC recognises the compliance systems and processes of regulated businesses	QC1	The ACCC recognises the compliance systems and processes of regulated businesses
<i>Directly comparable</i>	q11	The actions undertaken by the ACCC are proportionate to the regulatory risk being managed	QC1	The actions undertaken by the ACCC are proportionate to the regulatory risk being managed
<i>New question</i>	q12\$	Why have you given that rating?	-	-
<i>Directly comparable</i>	q13a	The ACCC provides guidance and information that is... Up to date	QB1	The ACCC provides guidance and information that is up to date
<i>Directly comparable</i>	q13b	The ACCC provides guidance and information that is... Clear and concise	QB1	The ACCC provides guidance and information that is clear and concise
<i>Directly comparable</i>	q13c	The ACCC provides guidance and information that is...Consistent and supports predictable outcomes	QB1	The ACCC provides guidance and information that is consistent and supports predictable outcomes

<i>Directly comparable</i>	q13d	The ACCC provides guidance and information that is...Delivered in a timely manner	QB1	The ACCC provides guidance and information in a timely manner
<i>Directly comparable</i>	q13e	The ACCC provides guidance and information that is...Delivered through appropriate media channels	QB1	The ACCC provides guidance and information through appropriate media channels
<i>Directly comparable</i>	q14	The ACCC's communication with regulated entities is clear, targeted and effective	QB2	The ACCC's communication with regulated entities is clear, targeted and effective
<i>New question</i>	q15\$	Why have you given that rating?	-	-
<i>Directly comparable</i>	q16a	The ACCC makes guides, decision documents and information about processes publicly available	QE1	The ACCC makes guides, decision documents and information about processes publicly available
<i>Directly comparable</i>	q16b	The ACCC engages with affected businesses and industry groups before changing policies and practices	QE1	The ACCC engages with affected businesses and industry groups before changing policies and practices
<i>Directly comparable</i>	q16c	The ACCC is open and responsive to feedback regarding its approaches and actions under the regulatory framework	QE1	The ACCC is open and responsive to feedback regarding its approaches and actions under the regulatory framework
<i>Directly comparable</i>	q17	The ACCC is open and transparent in its dealings with regulated entities	QE2	The ACCC is open and transparent in its dealings with regulated entities
<i>New question</i>	q18\$	Why have you given that rating?	-	-
<i>Wording change</i>	q19\$	Thinking about the ACCC's performance across the above 3 principles of regulator best practice, are there any specific aspects that you believe the ACCC does well?	QG1	Thinking about the ACCC's performance across the six key performance indicators you have just rated, please use the boxes below to provide details of... Any specific aspect of the ACCC's performance that the ACCC does well?
<i>Wording change</i>	q20\$	Are there any specific improvements you would suggest for the ACCC to improve its performance across the three principles of regulator best practice?	QG1	Any specific improvements you would like to suggest?
<i>New question</i>	q21a	Independent: The ACCC inspires confidence in their work by being impartial and objective	-	-
<i>New question</i>	q21b	Strategic: The ACCC focuses on the bigger picture, ensuring consumers are at the heart of what they do		
<i>New question</i>	q21c	Trustworthy: The ACCC acts with integrity, honesty and ethically	-	-



<i>New question</i>	q21d	Informed: The ACCC's decisions and actions are based on data, evidence and intelligence, as well as expert knowledge	-	-
<i>New question</i>	q21e	Inclusive: The ACCC commits to an inclusive and respectful culture and a diverse workforce reflecting the communities that they serve	-	-
<i>Wording change</i>	q22	Thinking about the past 12-18 months, how would you rate the performance of the ACCC relative to other Australian Government regulators that your business has engaged with? Would you say the ACCC's performance against the 3 principles is generally:	QG2	Thinking about the past 12 months, how would you rate the performance of the ACCC relative to other Australian Government regulators that your business has engaged with? Would you say the ACCC's performance against the six KPIs is generally:
<i>New question</i>	q23\$	Why have you given that rating?	-	-
<i>Directly comparable</i>	qDEM1	Which of the following best describes your business (or the business or group of businesses that you represent)?	DEM1	Which of the following best describes your business (or the business or group of businesses that you represent)?
<i>Directly comparable</i>	qDEM2	Which of the following industries best describes your business (or the business or group of businesses that you represent)?	DEM2	Which of the following industries best describes your business (or the business or group of businesses that you represent)?