

AUSTRALIAN COMPETITION AND CONSUMER COMMISSION

STATEMENT OF EXPECTATIONS

MARCH 2022

1. This Statement of Expectations outlines the Australian Government's expectations of how the Australian Competition and Consumer Commission (ACCC) will achieve its objectives, carry out its functions and exercise its powers. It is to be read alongside the laws that apply to the ACCC and the laws that the ACCC administers.
2. The Government expects the ACCC to identify and pursue opportunities to contribute to the Government's economic goals, including supporting Australia's economic recovery from the COVID pandemic. In doing this, the Government expects the ACCC to:
 - 2.1. promote competition and support innovation for the benefit of businesses and consumers;
 - 2.2. protect the interests and safety of consumers and support fair trading in markets, including taking action to protect consumers from the impact of scams;
 - 2.3. promote the economically efficient operation of, use of, and investment in infrastructure regulated under Part IIIA of the *Competition and Consumer Act 2010* (CCA);
 - 2.4. administer the law in a way that promotes the objectives in 2.1, 2.2 and 2.3, including through promoting a digital economy; and
 - 2.5. minimise the costs and burdens of regulatory requirements for regulated entities and consumers.
3. In achieving its objectives, carrying out its functions, and exercising its powers, the Government also expects the ACCC to:
 - 3.1. ensure that its actions are not inconsistent with the policies of the Government, in accordance with section 21 of the *Public Governance, Performance, and Accountability Act 2013*;
 - 3.2. work closely with the Government and Treasury, including through the provision of information and reports to Ministers in accordance with section 28(1)(b) of the CCA;
 - 3.3. provide appropriate guidance when needed so that businesses and consumers have clarity and certainty about how the ACCC will exercise its powers;
 - 3.4. make decisions informed by open and transparent engagement with businesses and consumers, as well as data;

3.5. identify and reduce the risk of conduct which is anti-competitive or detrimental to consumers through well-targeted, risk-based and proportionate education, guidance and enforcement activities; and

3.6. coordinate regulatory activities with other regulatory agencies to avoid duplication, including through sharing information where possible.

4. The Government expects the ACCC to act independently in performing its regulatory functions, including enforcement actions.

5. With regard to organisational matters, the Government expects:

5.1. the Chair to have sole responsibility for the executive management of the ACCC, consistent with their role as Accountable Authority for the ACCC;

5.2. the Chair to delegate executive management functions to ACCC staff wherever the Chair considers that this would benefit the executive management of the ACCC;

5.3. the Commission of the ACCC to act as a non-executive body under the leadership of the Chair; and

5.4. the ACCC to clearly articulate their Statement of Intent within their Corporate Plan including how it will strive to adopt the principles of best practice for Commonwealth regulators, demonstrating delivery against this intent and performance expectations in its Annual Report.