



ACCCount

A report of the Australian
Competition and Consumer
Commission's activities

1 April to 30 June 2019

Australian Competition and Consumer Commission
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Key outcomes dashboard

Maintaining and promoting competition

Competition enforcement

- 1 cartel case commenced, with criminal charges laid against one company and five individuals
- 2 cartel cases concluded – \$19 million in penalties for one case
- 11 cases ongoing

Mergers and adjudication

- 59 confidential merger matters pre-assessed
- 4 public reviews undertaken
- One statement of issues released
- 5 draft and 2 final authorisation determinations
- 2 collective bargaining notification allowed to stand
- 11 final certification trade mark assessments issued

Protecting consumers and supporting fair trading

Consumer enforcement

- 8 cases commenced
- 3 cases concluded - \$4.25 million in total penalties
- 29 cases ongoing
- 2 administrative resolutions
- 1 undertaking accepted

Consumer and small business education

- 1 002 133 consumer education resources accessed

- 792 515 Scamwatch visits
- 66 309 contacts received from consumers and businesses
- 392 824 small business education resources accessed
- 12 email updates to small businesses and franchising networks

Product safety

- 165 recalls published
- 784 mandatory injury reports received
- 228 reports of unsafe products assessed
- 556 product lines inspected at 272 sites—12 products requiring further assessment identified

Infrastructure regulation

- Released several telecommunications reports, including a new report on internet activity in Australia
- Published guidance for NBN fixed wireless customers who experience broadband performance issues
- Released water and petrol monitoring reports

Market studies and research

- Provided the Treasurer with a final report on the Digital Platforms Inquiry
- Commenced a review of the major customer loyalty schemes available in Australia
- Published interim reports for the Wine Grape Market Study and the East Coast Gas Inquiry
- Released a guide to assist electricity retailers understand their responsibilities under the Electricity Retail Code

Executive Summary

1. The Australian Competition and Consumer Commission (ACCC) works to enhance the welfare of Australians by promoting competition, fair trading and regulating national infrastructure.
2. This report highlights the range of activities engaged in by the ACCC to achieve its purpose in the April to June 2019 quarter, including:
 - enforcing competition laws in relation to cartel conduct, anti-competitive agreements, misuse of market power, and mergers that substantially lessen competition
 - protecting consumers from unfair business practices and unsafe products
 - regulating national services, infrastructure and markets with limited competition or natural monopoly characteristics
 - studying, monitoring and reporting on competition and consumer issues in specific markets and industries, and
 - advocacy and collaboration to promote competition and fair trading.
3. Key enforcement outcomes for the quarter were:
 - Penalties of \$19 million against PT Garuda. Litigation was long-running (close to a decade) and brings total penalties of the ACCC's air cargo cartel case to \$132.5 million against 14 airlines.
 - Criminal cartel charges laid against money transfer business Vina Money Transfer Pty Ltd and five individuals for allegedly fixing the Australian dollar/Vietnamese dong exchange rate they charged customers.
 - Commencement of eight proceedings for alleged breaches of the Australian Consumer Law (ACL) including against Jump Loops Pty Ltd for alleged false, misleading or deceptive statements about Jump Swim School franchises.
 - \$2.3 million in penalties against Birubi Art Pty Ltd for making false or misleading representations that its products were authentic Aboriginal art.
4. Two significant merger decisions were made during the quarter. On 8 May 2019 the ACCC announced its decision to oppose the proposed merger between TPG Telecom Limited and Vodafone Hutchison Australia Pty Ltd. On 9 May 2019 the ACCC announced that it would not oppose GSK's proposed acquisition of Pfizer's consumer healthcare business in Australia.
5. The ACCC continues to monitor and oversee compliance with the compulsory Takata airbag recall. We released comprehensive state-by-state data detailing the progress of the Takata recall in May 2019 and will continue to update the data on a quarterly basis.
6. The ACCC undertook surveillance across 272 retail outlets to gauge the effectiveness of, and compliance with, particular safety regulations. As a result of this proactive surveillance program, four products across the following product categories were recalled by their respective suppliers due to non-compliance: trolley jacks, nightwear for children and treadmills.
7. The ACCC completed an 18 month investigation into quad bike safety and recommended the government implement a mandatory safety standard under the ACL.

Consultation on the draft safety standard closed on 10 June 2019. The ACCC will report to the government on stakeholder comments.

8. On advice from the ACCC, the Minister issued a Safety Warning Notice on the safety risks of button batteries, which was published on 30 March 2019. The ACCC has now established a Button Battery Task Force which will advance the government's consideration of regulatory intervention to address the safety risks, particularly to young children.
9. The ACCC released a number of publications during the quarter, including the following:
 - the fifth performance report for the Measuring Broadband Australia program
 - a new report on internet activity in Australia
 - guidance for NBN fixed wireless customers who experience broadband performance issues
 - the ACCC water monitoring report 2017-18
 - a quarterly report for the March 2019 quarter on the Australian petroleum market
 - Wine grape market study interim report
 - East Coast Gas Inquiry interim report.
10. The ACCC delivered a campaign with ACL regulators to raise awareness among NDIS providers and participants about consumer rights and the new NDIS Commission.
11. The ACCC engaged with international counterparts on a range of product safety, consumer, competition and regulatory matters, including entering into a new Memorandum of Cooperation with the United States Federal Bureau of Investigations.

1. Maintaining and promoting competition

Outcomes addressing harm to consumers and businesses from anti-competitive conduct

- 1.1. Competitive markets lead to lower prices, better quality products and services, greater efficiency and more choice, all of which benefit consumers. As Australia's only national competition regulator, the ACCC works to enhance the welfare of Australians by maintaining and promoting competition.
- 1.2. The ACCC does so by enforcing Part IV of the *Competition and Consumer Act 2010* (CCA) in relation to anti-competitive conduct and assessing whether market structure changes through mergers and acquisitions would substantially lessen competition.
- 1.3. In addition, the ACCC considers applications for authorisation and notifications, which enable some anti-competitive conduct to go ahead where the public benefit outweighs the public harm, including harm from reduced competition.
- 1.4. The ACCC's Compliance and Enforcement Policy sets out priorities for the year and the factors the ACCC takes into account when deciding whether to pursue matters. In 2019 the ACCC will prioritise competition issues in the financial services, commercial construction and agriculture sectors, as well as issues arising from opaque and complex pricing of essential services in the energy and telecommunications sectors. The ACCC continues its focus on enduring priorities relating to cartel conduct causing detriment in Australia and anti-competitive agreements and practices. The ACCC will also continue to prioritise conduct that may contravene the misuse of market power and concerted practices provisions.
- 1.5. Outcomes are achieved through a variety of means. These include litigated proceedings, accepting court-enforceable undertakings¹, administrative resolutions and completing market studies.

Proceedings

- 1.6. In the June quarter the ACCC was involved in 13 legal proceedings relating to competition enforcement in a range of industries, including shipping and transport related services, travel, construction and financial services. A complete list of these proceedings is included in the Appendix.
- 1.7. Of the 13 competition enforcement proceedings:
 - 12 cases were carried over from the previous quarter
 - 1 new case was commenced in the quarter
 - 2 cases were concluded, and
 - 11 cases remain ongoing at the end of the quarter.

Proceedings commenced

VINA MONEY TRANSFER PTY LTD & ORS

In April 2019 the Commonwealth Director of Public Prosecutions laid criminal cartel

¹ Court-enforceable undertakings accepted under s.87B of the CCA.

charges against a money transfer business and five individuals for allegedly fixing the Australian dollar / Vietnamese dong exchange rate and fees they charged their customers.

The charges arose from a joint ACCC and Australian Federal Police investigation into alleged price fixing by several Sydney and Melbourne money transfer businesses. The charges relate to exchange rates and transaction fees charged when sending money from Australia to Vietnam between 2011 and 2016.

Vina Money Transfer Pty Ltd was charged with making and giving effect to contracts, arrangements or understandings that contain a cartel provision. Three men from Sydney and a man and a woman from Melbourne appeared before the Melbourne Magistrates' Court charged with being knowingly concerned with some or all of the conduct.

Proceedings appealed

PACIFIC NATIONAL PTY LIMITED & ORS

The ACCC has appealed a May 2019 Federal Court decision to dismiss the ACCC's proceedings against rail companies Pacific National and Aurizon. The proceedings related to control of Acacia Ridge Terminal, a key asset in Australia's intermodal rail network.

The ACCC remains of the view that a long-term behavioural undertaking to provide access at the terminal will not be effective in enabling competition in the supply of intermodal rail services. The ACCC's appeal will focus on the ability of courts to accept undertakings in these circumstances.

The ACCC alleges that in July 2017 Pacific National and Aurizon reached an understanding that would lead to Aurizon exiting its intermodal business through a combination of closure and transactions with Pacific National. It was alleged the effect of the understanding was that Aurizon would stop competing with Pacific National to supply intermodal and steel rail linehaul services throughout Australia.

On the last day of the hearing, Pacific National offered an undertaking to the Court that it submitted would prevent it from discriminating in providing access to other rail operators at the terminal. The Court indicated that it would have found the proposed acquisition had the likely effect of substantially lessening competition in breach of the CCA, had it not been for the undertaking offered.

Proceedings concluded

PZ CUSSONS AUSTRALIA (APPEAL)

In May 2019 the Full Court of the Federal Court dismissed the ACCC's appeal against a ruling that there was insufficient evidence to find that PZ Cussons Australia (Cussons) engaged in cartel behaviour in the laundry detergent market.

The ACCC took action against Cussons, Colgate-Palmolive Pty Ltd and Woolworths Ltd in December 2013, alleging the parties agreed to stop supplying standard concentrate detergent in favour of ultra-concentrate detergent. In 2016 Colgate and Woolworths admitted they had engaged in anti-competitive conduct and paid penalties of \$18 million and \$9 million respectively. This decision brings an end to the ACCC's long running action.

P.T. GARUDA INDONESIA LTD

In May 2019 the Federal Court ordered PT Garuda Indonesia Pty Ltd (Garuda) to pay penalties of \$19 million for colluding on fees and surcharges for air freight services.

Garuda has since filed a Notice of Appeal against this decision. This case is a long running one for the ACCC and was part of its court action against a global air cargo cartel. Action against this cartel has now resulted in penalties of \$132.5 million against 14 airlines.

The ACCC took action against Garuda in 2010, alleging Garuda colluded with other airlines on charges for fuel, security, insurance surcharges and a customs fee for the carriage of air freight from origin ports in Hong Kong and Indonesia to destination ports in Australia. The ACCC's case was initially dismissed in October 2014 by the Federal Court. Following an ACCC appeal, the Full Court of the Federal Court found that Garuda had engaged in price-fixing conduct. The Court found that between 2003 and 2006, Garuda made and gave effect to agreements that it fixed the price of security and fuel surcharges, as well as a customs fee from Indonesia.

Undertakings accepted and administrative resolutions

- 1.8. The ACCC also resolves alleged contraventions of the CCA by accepting court-enforceable undertakings under s.87B of the CCA. In these undertakings, which are on the public record, companies or individuals generally agree to:
- remedy the conduct
 - accept responsibility for their actions, and
 - establish, or review and improve, compliance programs and culture.
- 1.9. In the June quarter no undertakings relating to competition enforcement were accepted by the ACCC.
- 1.10. The ACCC will sometimes resolve matters administratively. This can involve seeking agreements to stop or change conduct and provide appropriate redress to the conduct in question. In some cases, we will publicly announce these administrative resolutions. There were no administrative resolutions this quarter.

Agriculture sector

- 1.11. In the June quarter the ACCC agriculture sector work included:
- Releasing the [Wine grape market study interim report](#) on 3 June 2019. The market study focuses on identifying market failures or practices that affect the functioning of competitive markets or result in detriment to industry participants. The final report is due for release in September 2019.
 - Advocating for and assisting the government with the development of a mandatory code of conduct for the dairy industry. This follows a key recommendation in the ACCC's [Dairy inquiry final report](#). On 15 March 2019 the Commonwealth Minister for Agriculture and Water Resources, the Hon. David Littleproud MP, announced that the code is progressing and that the next steps will include the development of a draft code, with consultation on this draft to be led by the Department of Agriculture and Water Resources.
 - Resolving unfair contract terms issues and ensuring compliance with the Horticulture Code of Conduct in the horticulture produce agreements offered by a Melbourne fruit wholesaler, M.V Napoleone & Co Pty Ltd, trading as Red Rich Fruits. This outcome follows extensive work undertaken by the ACCC to monitor industry compliance with the Horticulture Code.
 - Continuing litigation against Mitolo Group Pty Ltd and a related entity (together, Mitolo) alleging that several terms in Mitolo's standard form contracts with potato

farmers are unfair contract terms and that Mitolo has breached the Horticulture Code in its dealings with farmers.

- Undertaking a research project into potential competition and consumer issues in the agriculture machinery industry.
- Continuing to advocate for implementation of the recommendations from the ACCC's cattle and beef market study. The ACCC is concerned that practices which impede the greater efficiency of the industry will become entrenched if the market study's recommendations are not implemented. We are engaging with the Department of Agriculture and Water Resources on certain recommendations that will require legislative reform.
- Convening a meeting of the ACCC's Agriculture Consultative Committee in May 2019.

Financial services

- 1.12. The ACCC is examining the pricing of foreign currency conversion services in Australia and evaluating whether there are impediments to effective price competition in the sector. Over 200 submissions to the inquiry have been received from consumers, small businesses and market participants. A final report will be provided to the Treasurer by 31 July 2019.
- 1.13. The ACCC is also working with the Council of Financial Regulators (CFR) to develop an online calculator that reports on actual interest rates paid by different types of residential mortgage borrowers. The Productivity Commission recommended the development of such a calculator in August 2018 and the Australian government has asked the CFR to accelerate the development of options for its implementation.

Consumer Data Right

- 1.14. As the lead regulator, the ACCC has a number of roles in relation to the Consumer Data Right (CDR). The ACCC continued to work closely with the Office of the Australian Information Commissioner (OAIC) and Data Standards Body to develop the framework that will underpin the CDR. The ACCC is working to meet the government's deadline for the first phase of CDR to commence in the banking sector in February 2020.
- 1.15. In response to the publication of the exposure draft of the Competition and Consumer (Consumer Data) Rules 2019 on 29 March 2019, the ACCC received 43 submissions from interested parties. The ACCC is working through the issues raised in these submissions. While the rules cannot formally be made until the CDR enabling legislation is passed, the ACCC expects to publish the final version of the rules in August 2019.
- 1.16. The ACCC also continues to make good progress on building the Register and Accreditation Application Platform. The ACCC is working with industry to test the platform to ensure that consumers will be able to share their data securely. To facilitate this, on 11 June 2019 the ACCC started to consult on the CDR Register design using a GitHub repository. Additionally, the ACCC intends to hold workshops for interested parties.
- 1.17. The ACCC also continued preliminary work necessary to apply the CDR in the energy sector. The ACCC consulted industry on a data access model and has prepared a position paper that has been provided to government prior to publication.

Assess mergers to prevent structural changes that substantially lessen competition

1.18. The ACCC reviews mergers and acquisitions to assess whether they would be likely to substantially lessen competition. Merger parties have two avenues available for having a proposed acquisition considered and assessed by the ACCC on competition grounds: the informal clearance process and merger authorisation.

Informal clearance process

1.19. The informal merger review process enables merger parties to seek the ACCC's view on whether the proposed acquisition is likely to have the effect of substantially lessening competition under s. 50 of the CCA.

1.20. The ACCC deals with matters considered under the informal clearance system expeditiously when we determine that they do not require a detailed review because of the low risk that competition concerns will be raised. As indicated in Table 1, a significant proportion of the mergers we consider are 'pre-assessed', enabling us to respond quickly when there are no significant competition concerns.

Table 1.1: Matters pre-assessed and reviews undertaken 1 April–30 June 2019

	Confidential	Public	Total
Pre-assessed 1 April–30 June 2019	59	0	59
Public reviews undertaken 1 April–30 June 2019	0	4	4
Total matters assessed and reviews undertaken	59	4	63
Public reviews by category:			
Not opposed	0	3	3
Finished—no decision (including withdrawn)			
Post SOI	0	0	0
Other	0	0	0
Opposed outright	0	1	1
Confidential review—ACCC concerns expressed	0	0	0
Resolved through undertakings	0	0	0
Variation to undertaking	0	0	0
Accepted	0	0	0
Rejected	0	0	0

Table 1.2: Matters assessed and reviews undertaken, financial year comparisons

	10–11	11–12	12–13	13–14	14–15	15–16	16–17	17–18	18–19
Total matters assessed and reviews undertaken	377	340	289	297	322	319	288	281	331
Matters assessed—no review required	236	250	213	242	278	287	253	252	305
Reviews undertaken	141	90	76	55	44	32	35	29	26
Total reviews can be broken down into the following categories:									
Not opposed	110	60	55	36	35	17	21	17	17
Finished—no decision (including withdrawn)									
Post Statement Of Issues						5	8	3	1
Other	14	17	4	2	1	1	2	4	0
Publicly Opposed outright	3	1	6	4	0	2	0	1	2
Confidential review—opposed or ACCC concerns expressed	4	6	5	2	0	1	2	1	1
Resolved through undertakings	7	3	2	10	7	5	2	1	5
Variation to undertaking									
Accepted	3	3	4	1	1	1	0	2	0
Rejected	0	0	0	0	0	0	0	0	0

**The year end table includes statistical corrections arising from year end reconciliation processes.*

Merger authorisation

- 1.21. With the revisions to the CCA that came into effect on 6 November 2017, the ACCC has the role of first instance decision maker for merger authorisations, meaning that applications must now be made directly to the ACCC.
- 1.22. Merger parties may seek statutory protection from legal action under s. 50 of the CCA by lodging an application for merger authorisation.
- 1.23. While the merger authorisation is in force, the authorised parties will be able to acquire the relevant shares or assets without risk of the ACCC or third parties taking legal action for a contravention of s. 50.
- 1.24. Merger authorisation may be granted on the basis that the acquisition will not substantially lessen competition, or alternatively, will result in public benefits that outweigh any detriments.
- 1.25. In April 2019 we received the first application for merger authorisation since the revisions to the CCA came into effect. AP Eagers lodged an application for merger authorisation of its proposed acquisition of Automotive Holdings Group Ltd. As at 30 June 2019 the application remains under assessment.

Significant merger decisions

Significant merger review resulting in a decision to oppose—TPG Telecom Limited, proposed merger with Vodafone Hutchison Australia Pty Ltd

On 8 May 2019 the ACCC announced its decision to oppose the proposed merger between TPG Telecom Limited and Vodafone Hutchison Australia Pty Ltd.

Vodafone is the third largest telecommunications provider in Australia. Vodafone owns and operates its own mobile network and began supplying fixed broadband services in 2017.

TPG provides retail fixed broadband and other telecommunications services. In 2017 TPG announced plans to become a mobile network operator and commenced building its own mobile network.

The ACCC considered the proposed merger between TPG and Vodafone would reduce competition and contestability in this sector. In particular, the ACCC considered the proposed merger would be likely to substantially lessen competition in the supply of mobile services because the proposed merger would preclude TPG entering as the fourth mobile network operator in Australia.

While TPG announced it was ceasing its mobile network rollout in January 2019, the ACCC's review formed the view that TPG has the capability and commercial incentive to resolve the technical and commercial challenges it was facing.

The ACCC considers that, wherever possible, market structures should be settled by the competitive process, not by a merger which results in a market structure that would be subject to little challenge in the future. Consumers need vigorous competition in order to obtain the aggressive pricing and innovation that is in their interest. TPG has a proven track record of disrupting the telecommunications sector and establishing itself as a successful competitor to the benefit of consumers.

The ACCC reached its view following an extensive investigation, including examining documents, submissions and information gathered from the merger parties and other market participants.

On 24 May 2019 Vodafone instituted proceedings in the Federal Court seeking a declaration that the proposed merger would not be likely to have the effect of substantially lessening competition.

GlaxoSmithKline plc proposed acquisition of the consumer healthcare business of Pfizer Inc

On 9 May 2019 the ACCC announced that it would not oppose GSK's proposed acquisition of Pfizer's consumer healthcare business in Australia. GSK and Pfizer are multinational pharmaceutical companies that research, develop and supply prescription and over-the-counter medication. The proposed acquisition combined only their over-the-counter businesses, which include pain management products as well as gastrointestinal and cold and flu products. The ACCC investigated the possible effects of the proposed acquisition in each of these product areas.

In the market for pain management, Pfizer produces Advil and GSK sells Panadol and Voltaren. GSK's Panadol and rival Reckitt Benckiser's Nurofen are the market leaders in over-the-counter pain management products in Australia and both have strong market recognition.

Panadol contains the active ingredient paracetamol. Advil and Nurofen contain the active

ingredient ibuprofen. The ACCC considered that paracetamol and ibuprofen have broadly similar therapeutic effects and are substitutes.

Advil has strong brand recognition in America and is supported by significant marketing expenditure in Australia. Nonetheless, the ACCC found that if the proposed acquisition did not proceed, it was unlikely that Pfizer could grow its market share and brand recognition sufficiently in the medium term to operate as a significant constraint upon the market leaders, Panadol and Nurofen, and that Nurofen acted as the major constraint on both Panadol and Advil.

The ACCC considered that there are a number of generic and private-label over-the-counter pain management products with the same active ingredients as Panadol or Advil, with similar levels of market share to Advil. While these products have much lower market share and brand awareness than Panadol and Nurofen, their market share appears to be gradually increasing and their lower pricing will continue to offer consumers an alternative to Panadol, Advil and Nurofen.

In relation to gastrointestinal and cold and flu products, the ACCC found that GSK's and Pfizer's products have relatively low market share and are constrained by a wide range of branded and generic competing products.

Merger review consultation

- 1.26. During the course of a public review, the ACCC may reach a preliminary view that a proposed merger raises competition concerns that require further investigation. In this circumstance, the ACCC will publicly release a Statement of Issues.
- 1.27. A Statement of Issues provides the ACCC's preliminary views, drawing attention to particular competition issues, as well as identifying further lines of inquiry that the ACCC wishes to undertake. It provides an opportunity for all interested parties (including customers, competitors, shareholders and other stakeholders) to understand and consider the primary issues identified by the ACCC. It also has the purpose of assisting the merger parties and other interested parties to frame further submissions, should they consider this necessary.
- 1.28. One Statement of Issues was issued in the June quarter: [Landmark—proposed acquisition of Ruralco Holdings Limited](#)

Make decisions on authorisation, notification and certification trademark applications in the public interest

- 1.29. The ACCC assesses and makes decisions about applications for the authorisation and notification of certain types of anti-competitive conduct. We do this primarily by evaluating whether the arrangements or conduct are likely to result in a net public benefit and therefore warrant exemption.
- 1.30. With the revisions to the CCA that came into effect on 6 November 2017 for certain forms of conduct, the ACCC may now also grant authorisation if it is satisfied that no substantial lessening of competition is likely.

Authorisations

- 1.31. In assessing an authorisation application, the ACCC undertakes a transparent public consultation process, placing submissions on a public register (subject to any claims of confidentiality). After considering submissions, the ACCC will issue a draft decision and provide an opportunity for interested parties to request a conference to discuss

the proposal. The ACCC will further consider the application in light of any additional submissions, then release a final decision.

Table 2: Authorisations received and decisions issued

Total authorisations received	Number of applications	
	1 April–30 June 2019	2018-19*
New	6	11
Revocation	0	0
Revocation and substitution	2	10
Minor variations	0	1

**The full year totals include statistical corrections arising from year-end reconciliation processes.*

Decisions issued	Number of applications*	
	1 April–30 June 2019	2018-19*
Draft determinations	5	20
Final determinations	2	18
Interim decisions (prior to draft)	1	7
Interim decisions (post draft)	1	1

**The full year totals include statistical corrections arising from year-end reconciliation processes.*

Notifications

1.32. Notification is an alternative process to authorisation and is a means for businesses to obtain protection from legal action for exclusive dealing, collective bargaining and resale price maintenance.

Exclusive dealing notifications

1.33. 'Exclusive dealing' describes a business trading with another business imposing restrictions on the other business' freedom to choose with whom, in what, or where, it deals. Exclusive dealing is prohibited under the CCA in certain circumstances. Lodging a notification with the ACCC provides automatic protection from legal action unless revoked by the ACCC. The ACCC can review notifications at any time.

Table 3: Exclusive dealing notifications

Exclusive dealing notifications	Number of notifications*	
	1 April–30 June 2019	2018-19^
Matters lodged	2	5
Matters allowed to stand	3	5

**The revisions to the CCA that came into effect on 6 November 2017 have significantly reduced the number of notifications the ACCC receives, because third line forcing (a particular form of exclusive dealing) is no longer a per se breach of the CCA, which means that parties need only notify the ACCC of third line forcing conduct if it risks substantially lessening competition.*

^The year end table includes statistical corrections arising from year end reconciliation processes.

Collective bargaining notifications

- 1.34. Groups of small businesses can lodge a collective bargaining notification to obtain protection from legal action for a collective bargaining activity. The protection provided by a collective bargaining notification comes into force automatically 14 days after the notification is validly lodged and continues for three years (or another specified period) unless the ACCC objects to it. Notifications can be reviewed at any time.
- 1.35. Businesses seeking to lodge a valid collective bargaining notification must satisfy a number of requirements. For example, each member of the collective bargaining group must reasonably expect that they will make at least one contract with the target and that the value of each member's transactions with the target will not exceed \$3 million per year (this figure differs for certain industries). These requirements do not apply to the authorisation process.

Table 4: Collective bargaining notifications

Collective bargaining notifications	Number of notifications	
	1 April–30 June 2019	2018-19
Matters lodged	2	14
Matters allowed to stand	2	13

Resale price maintenance notifications

- 1.36. In broad terms, resale price maintenance occurs when a supplier of goods or services (for example, a manufacturer or wholesaler) specifies a minimum price below which a reseller must not onsell, or advertise for sale, those goods or services. Resale price maintenance is prohibited outright under the CCA, regardless of whether it has the purpose, effect or likely effect of substantially lessening competition.

Table 5: Resale price maintenance notifications

Resale price maintenance notifications	Number of notifications	
	1 April–30 June 2019	2018-19
Matters lodged	1	1
Matters allowed to stand	0	1 (lodged in 2017–18)
Final notice to revoke a notification issued	1	1

Significant resale price maintenance notifications

[Meredith Dairy](#)

On 14 June 2019 the ACCC decided not to allow Meredith Dairy Pty Ltd (Meredith Dairy)

to set minimum retail prices for its goats' cheese products. Meredith Dairy sought protection by way of a resale price maintenance (RPM) notification because imposing minimum retail prices is otherwise not permitted under competition law.

Meredith Dairy argued that the prices at which some retailers are selling its cheeses are so low that it creates difficulties for Meredith Dairy in managing its relationships with other retailers that sell the same cheeses. Other retailers assume that the retailer offering the discount is acquiring products at a significantly lower price, and ask for the same discount, or they assume that Meredith Dairy is not acting in good faith due to the assumed price differential. Meredith Dairy said that ongoing demands for significant discounts from retailers faced with this price competition would affect its margins and profitability. Meredith Dairy said this would affect its ability to re-invest in its business and to maintain its commitment to innovation, sustainability and its local community.

The ACCC considered that Meredith Dairy did not present evidence that ongoing price competition at the retail level would jeopardise ongoing investment in its business.

The ACCC found that Meredith Dairy's proposal would likely result in public detriments. It would reduce retailers' ability to compete on price and increase the prices consumers pay for these cheeses. This would make it harder for smaller retailers to attract customers and to compete with major supermarket chains by offering lower prices. In turn, large retailers would no longer need to respond to discounts by their smaller competitors.

The ACCC concluded that the reduction in retail competition resulting from the proposal would not be outweighed by any public benefit. Accordingly, the ACCC issued a final notice to revoke the notification, which means that Meredith Dairy does not have an exemption from competition law to control the minimum prices charged by retailers of its goats' cheeses.

Certification trademarks

- 1.37. Under the Trade Marks Act 1995, the ACCC has responsibilities for assessing certification trademarks to ensure that they do not raise competition or consumer protection concerns. A certification trademark (for example, the Woolmark) is used by businesses to indicate to consumers that a product or service meets a particular standard.
- 1.38. The ACCC assesses rules for the use of certification trademarks including:
- requirements that goods, services or persons must meet to be eligible to use a certification trade mark and
 - proposed processes for assessing compliance with certification requirements.

Table 6: Certification trademarks

Certification trademarks (CTMs)	Number of related applications (number of CTMs*)
	1 April–30 June 2019
CTMs received	10(15)
Final assessments issued	11(11)

**The ACCC generally assesses related certification trademark applications together when they are received from the same applicant at the same time.*

2. Protecting consumers and supporting fair trading

Protecting the interests and safety of consumers, and supporting fair trading in markets affecting consumers and small business

- 2.1. The ACCC enforces the Australian Consumer Law (ACL) to prevent and redress harm to consumers and small businesses. Another key role of the ACCC is to inform businesses and consumers of their rights and obligations under the CCA through engagement, education and the provision of specialised information. This function also includes actions taken to ensure Australian consumers are not harmed by unsafe products.
- 2.2. Each year the ACCC reviews its compliance and enforcement priorities to determine where to focus its efforts to maximise impact, including by preventing and redressing harm to consumers and small businesses.
- 2.3. In 2019 the ACCC's Compliance and Enforcement priorities for consumer and small business protection include:
 - consumer guarantees on high value electrical and whitegoods products, in particular those supplied by large retailers and manufacturers
 - consumer issues arising from opaque and complex pricing of essential services, in particular those in energy and telecommunications
 - consumer issues arising from the collection and use of consumer data by digital platforms, with a focus on the transparency of data practices and the adequacy of disclosure to consumers
 - consumer issues arising from customer loyalty schemes
 - emerging consumer issues in advertising and subscription practices on social media platforms, with a focus on the impact on younger consumers
 - ensuring that small businesses receive protections under the CCA, with a focus on the Franchising Code of Conduct and unfair contract terms
 - fair trading issues in the agriculture sector, with a focus on unfair contract terms in supply agreements and the viticulture sector
 - ensuring the effectiveness of the compulsory recall of vehicles with Takata airbags, and
 - improving the safety of quad bikes.
- 2.4. Conduct impacting Indigenous Australians is an enduring priority. This recognises that certain conduct in breach of the CCA has the potential to specifically impact on the welfare of Indigenous Australians. We recognise that Indigenous Australians, particularly those living in remote areas, face particular challenges in asserting their consumer rights. This means that we will always prioritise our work in this area while these challenges remain.
- 2.5. Consumer protection for vulnerable and disadvantaged consumers is also an enduring priority for the ACCC.
- 2.6. On 14 March 2019 the ACCC announced its 2019 Product Safety Priorities at the National Consumer Congress. Some priorities have carried over from 2018 due to their significance, including the Takata airbag recall, button batteries, quad bikes and online product safety. A number of new priorities were announced, such as unsafe sleeping products, interconnected devices, supporting the development of a general

safety provision and a product safety incidents database. State and territory ACL regulators have endorsed these as national priorities.

Outcomes to address harm to consumers and small businesses resulting from non-compliance with the Australia Consumer Law

- 2.7. Total ACL penalties awarded by the Federal Court in ACCC matters are close to \$185 million since the introduction of the new consumer law remedies and powers in the CCA in April 2010, together with the introduction of the ACL on 1 January 2011. As at 30 June 2019, this figure encompasses 44 ACCC cases where penalties awarded by the Court have been at or above \$1 million.
- 2.8. In the June quarter the ACCC was involved in 32 legal proceedings relating to consumer protection. Of these:
- 24 cases were carried over from the previous quarter
 - 8 cases were commenced
 - 3 cases were concluded
 - 29 cases remained ongoing at the end of the quarter.

Proceedings commenced

BUPA AGED CARE AUSTRALIA PTY LTD

In April 2019 the ACCC instituted proceedings against Bupa Aged Care Australia Pty Ltd (Bupa), alleging Bupa made false or misleading representations to its aged care residents in 21 homes about services it did not provide or only partly provided.

Between December 2007 and June 2018 Bupa charged thousands of residents a fee for a package of extra services. It is alleged that Bupa did not provide, or only partly provided, some of these services. The fees charged for the extra services package often amounted to thousands of dollars each year.

The ACCC takes consumer issues faced by vulnerable and disadvantaged consumers seriously, noting that misrepresentations in the aged care sector are particularly concerning because, unlikely many other services, it is often difficult for elderly residents to move to another provider.

iSELECT LIMITED

In April 2019 the ACCC instituted proceedings against iSelect Limited for misleading and deceptive conduct and false or misleading representations in relation to its energy plan comparison service.

Since November 2016, iSelect claimed consumers using its website would benefit from iSelect comparing all plans available from its partner retailers in a specific location. During this period iSelect claimed it would recommend the most competitive plan to consumers.

The ACCC alleges that iSelect did not compare all available plans and did not necessarily recommend the most competitive plan, but rather limited the number of plans it compared based on the commercial arrangement it had with retailers. iSelect did not disclose this information to consumers who used its service.

JUMP LOOPS PTY LTD & ORS

In June 2019 the ACCC instituted proceedings against Jump Loops Pty Ltd and its parent

company Swim Loops Holdings Pty Ltd (collectively Jump Swim) alleging it made false, misleading or deceptive statements about Jump Swim School franchises. The ACCC is also taking action against Jump Swim's director, Mr Ian Michael Campbell, alleging he was involved in the conduct.

The ACCC alleges that Jump Swim made representations in its promotional material that a prospective franchisee would have an operational swim school within 12 months of signing a franchise agreement, when it did not have reasonable grounds for making that statement. There are over 90 franchisees who did not receive an operational swim school within 12 months or at all. The initial cost of setting up a Jump Swim School generally ranged from approximately \$150 000 to \$175 000.

It is also alleged that the franchisor Jump Loops Pty Ltd wrongly accepted payment from franchisees where it failed to supply an operational franchise within the 12 month period specified, or alternatively within a reasonable time.

KOGAN AUSTRALIA PTY LTD

In May 2019 the ACCC instituted proceedings against Kogan Australia Pty Ltd (Kogan) alleging it made false or misleading representations about a 10 per cent discount promotion.

Between 27 and 30 June 2018, Kogan ran an online promotion where consumers could obtain a 10 per cent discount on most of its products by using the discount code 'TAXTIME'. Kogan published this promotion on its website and via text messages and emails to consumers.

It is alleged that Kogan increased the prices of more than 600 of its products immediately before the promotion, in most cases by at least 10 per cent.

OPTUS INTERNET PTY LIMITED & ANOR

In June 2019 the ACCC instituted proceedings in the Federal Court against Optus Internet Pty Limited and Optus Mobile Pty Limited (Optus), alleging Optus misled consumers about the need to move to the NBN or risk being disconnected.

On 24 May 2018 Optus sent an email offering its NBN broadband services to 138 988 of its mobile customers, and advising them that their broadband service would be 'disconnected very soon' and encouraging them to 'make the switch, before it's too late.'

The ACCC alleges this was a false or misleading claim because, when the email was sent, Optus understood the recipients of the email were already being supplied with NBN-based services by a company other than Optus, and Optus did not have any reasonable basis for asserting they would be disconnected.

The case illustrates the importance of communications retail service providers giving consumers accurate information during the transition to the NBN. It also highlights the ACCC's ongoing concern about Optus' compliance with the ACL.

The case is similar to the matter that the ACCC took against Optus Internet in 2018 in which the Federal Court ordered Optus to pay a \$1.5 million penalty for making misleading representations about their transition from Optus' HFC network to the NBN.

QUANTUM HOUSING GROUP PTY LTD

In April 2019 the ACCC instituted proceedings against Quantum Housing Group Pty Ltd (Quantum) alleging unconscionable conduct and false, misleading or deceptive conduct relating to the National Rental Affordability Scheme (NRAS). It is alleged that Quantum's director, Cheryl Howe, was involved in the conduct.

Quantum is an approved participant in the NRAS, meaning it is entitled to receive incentives under the NRAS and is responsible for ensuring NRAS dwellings are compliant with the scheme.

It is alleged that from February 2017 to July 2018 Quantum made false or misleading representations to investors and property managers about its own rights, as well as the potential losses investors would face if they did not use Quantum's approved property managers.

Quantum also issued guidelines to investors and their existing property managers setting out how property managers could become approved by Quantum. The guidelines required property managers to pay a \$10 000 deposit to Quantum for each NRAS property they managed.

The ACCC alleges that Quantum did not receive a security deposit from the property managers it recommended.

Payment of \$10 000 per property would make managing a NRAS property unviable for most independent property managers. The impact of Quantum's alleged conduct meant that investors could not select a property manager who best suited their needs and many property managers suffered a significant loss of business as a result.

SMART CORPORATION PTY LTD (T/A AUSTRALIAN 4WD HIRE)

In April 2019 the ACCC instituted proceedings against four-wheel drive rental company Smart Corporation Pty Ltd (trading as Australian 4WD Hire) alleging it used unfair contract terms, engaged in unconscionable conduct, and made false or misleading representations in relation to insurance cover. It is alleged that Australian 4WD Hire's Fleet Manager, Mr Vitali Roesch, and director, Ms Maryna Kosukhina, were knowingly concerned in the conduct.

It is alleged that, since 2016, Australian 4WD Hire's standard form contracts have included unfair contract terms that allowed it to charge customers for a range of driving behaviours it claimed would cause excessive wear and tear or damage to its vehicles. These driving behaviours included driving at night outside built-up areas, above the speed limit, or when visibility was poor. Australian 4WD Hire relied on GPS data to determine whether consumers had engaged in these driving behaviours.

The ACCC considers these contract terms are unfair as they allow Australian 4WD Hire to charge customers for purported vehicle damage without having to prove any actual damage occurred. The ACCC is seeking to have these terms declared unfair by the Court so Australian 4WD Hire cannot enforce them against its customers.

The ACCC also alleges that Australian 4WD Hire acted unconscionably by enforcing these terms against certain consumers and withholding at least \$500 of their security deposits for excessive vehicle wear and tear. When these customers disputed these actions, the company threatened them with further charges and referral to authorities unless they acquiesced.

It is also alleged that, since 2014, Australian 4WD Hire has represented on its website that all rental vehicles would have the benefit of off-road insurance when in fact more than half of its vehicles were only insured for damage to third-party property. Australian 4WD Hire's contract also gave it the discretion not to lodge an insurance claim for single vehicle incidents and instead hold customers liable for all costs. This gave customers a false sense of security by representing they would have the benefit of being covered by insurance, in particular for off-road use of the vehicles, when this was not necessarily the case.

SONY INTERACTIVE ENTERTAINMENT NETWORK EUROPE LIMITED & ANOR

In May 2019 the ACCC instituted proceedings against Sony Interactive Entertainment Network Europe Limited (Sony Europe) for making false or misleading representations to Australian consumers on its website and in dealings with Australian customers of its PlayStation online store.

It is alleged that from around September 2017, Sony Europe told consumers it did not have to provide refunds unless the game developer told the consumer the game was irreparably faulty or otherwise authorised a refund. It also told consumers that it could provide refunds using virtual PlayStation currency instead of money.

Consumer guarantees do not expire after a digital product has been downloaded—as we allege Sony Europe told consumers—and refunds must be given in the form of original payment unless a consumer chooses to receive it in store credit.

Judgments

GLAXOSMITHKLINE CONSUMER HEALTHCARE AUSTRALIA PTY LTD & NOVARTIS CONSUMER HEALTH AUSTRALIASIA PTY LTD

In May 2019 the Federal Court accepted admissions by GlaxoSmithKline Consumer Healthcare Australia Pty Ltd (GSK) and Novartis Consumer Health Australasia Pty Ltd (Novartis) that they made false or misleading representations in the marketing of Voltaren Osteo Gel and Voltaren Emulgel pain relief products.

GSK and Novartis admitted that from January 2012 to March 2017 they marketed Osteo Gel as being specially formulated and more effective than Emulgel in treating osteoarthritis related pain and inflammation when Osteo Gel and Emulgel products are essentially the same. The claims were made on product packaging and the Voltaren website by both companies and Novartis also made the claims on the My Joint Health website.

A hearing will be held at a later date to determine penalties.

VIAGOGO AG

In April 2019 the Federal Court found ticket reseller Viagogo AG (Viagogo) made false or misleading representations and engaged in conduct liable to mislead the public when reselling entertainment, music and live sport event tickets.

Viagogo misled consumers by claiming tickets to certain events were scarce when the scarcity only referred to the tickets available on its resale platform and did not include tickets available elsewhere. The Court found that using the word 'official' in its online advertisements was misleading. As a result of this, consumers were misled into thinking they were purchasing tickets from an official site, when in fact Viagogo is a ticket resale website.

The Court also found that from 1 May 2017 to 26 June 2017 Viagogo's website drew consumers in with a headline price, but failed to sufficiently disclose additional fees or specify a single price for tickets. The additional fees included a 27.6 per cent booking fee, which applied to most tickets.

A hearing will be held at a later date to determine penalties.

Infringement notices

2.9. The ACCC can issue an infringement notice where it has reasonable grounds to believe a person has contravened certain consumer protection laws. The payment of infringement notice penalties is not an admission of a contravention of the ACL. In the June quarter, the ACCC issued no infringement notices.

Undertakings accepted

2.10. The ACCC also resolves alleged contraventions of the CCA by accepting court-enforceable undertakings under section 87B of the CCA. In the June quarter there was one section 87B undertaking accepted relating to consumer protection.

HUTCHISON PORTS AUSTRALIA PTY LIMITED

In April 2019 the ACCC accepted a court enforceable undertaking from Hutchinson Ports Australia Pty Limited (Hutchison) relating to unfair contract terms in their small business customer standard form Terminal Carrier Access Agreement.

The ACCC was concerned that the agreement's liability clause enabled Hutchinson to restrict its liability to small business customers in circumstances where small business customers' liability to Hutchinson is not similarly limited. The agreement also included a variation clause that enabled Hutchinson to unilaterally vary the provisions of its agreement, including the fees payable by small business customers to access and use Hutchinson's terminals in circumstances where there was no requirement to give notice to customers of the variation.

Administrative resolutions and other compliance and enforcement tools

2.11. The ACCC will sometimes resolve matters administratively, often involving agreements to stop or change conduct and provide appropriate redress to the conduct in question. In some cases, we will publicly announce these administrative resolutions. We also use a range of other compliance and enforcement tools to draw attention to consumer protection issues and to improve compliance. Two administrative resolutions were reached in the June quarter.

STEVEDORING

In April 2019 three container stevedoring companies amended their contracts with land transport businesses after the ACCC raised concerns that certain terms in each of these agreements may be unfair contract terms.

DP World Australia, Hutchison Ports Australia and Victoria International Container Terminal agreed to remove or amend terms in their standard form contracts that the ACCC considered were likely to be unfair.

Hutchison Ports also provided the ACCC with a section 87B undertaking, as outlined above.

M.V NAPOLEONE & CO PTY LTD (TRADING AS RED RICH FRUITS)

In June 2019 M.V. Napoleone & Co Pty Ltd (trading as Red Rich Fruits), a trader in apples, pears and other fresh fruits, agreed to change its horticulture product agreements with growers after the ACCC raised concerns the agreements contained unfair contract terms and terms which did not comply with the Horticulture Code of Conduct.

The term allowed Red Rich Fruits to seek credit from a grower for produce Red Rich Fruits had on-sold to a third party, but which was then rejected by the third party. The grower was

required to provide credit for the amount the third party had contracted to pay Red Rich Fruits for the rejected produce, which was likely to include the trader's profit margin.

The ACCC is currently auditing traders' compliance with the Horticulture Code of Conduct and examining whether other operators' agreements contain similar terms.

Public warning notices

2.12. In certain circumstances the ACCC may issue a public warning notice to alert consumers to a suspected contravention of certain provisions of the ACL. The ACCC may issue these notices where it has reasonable grounds to suspect a contravention of the ACL, it is satisfied that one or more other persons has suffered or is likely to suffer detriment as a result of the conduct, and it is satisfied that it is in the public interest to do so. No public warning notices were issued by the ACCC in the June quarter.

Enhancing the effectiveness of the ACCC's compliance and enforcement initiatives through partnerships

2.13. The ACL provides consumer protection regulators a single set of provisions to respond to consumer protection issues. It also allows regulators to collectively work on broader issues and take proactive and timely compliance and enforcement action.

2.14. The ACCC works closely with the Treasury, the Australian Securities and Investments Commission (ASIC) and state and territory consumer protection agencies on national compliance and enforcement projects. The ACCC also works with businesses, industry associations and consumer groups to promote awareness of the CCA and ACL.

Consumer Consultative Committee

2.15. The ACCC held a meeting with the Consumer Consultative Committee (CCC) on 28 June 2019 to discuss:

- updates on ACCC enforcement and the latest ACCC NBN performance report
- a presentation on behavioural bias and regulatory effectiveness by ASIC's behavioural unit
- the progress of the CCC membership review.

Small Business and Franchising Consultative Committee

2.16. The Small Business and Franchising Consultative Committee is a forum for industry and government to discuss competition and consumer law concerns related to the small business and franchising sectors.

2.17. On 10 May a meeting of the Small business and Franchising Consultative Committee discussed the following matters:

- update on the collective bargaining class exemption
- update on the General Safety provision
- experiences and insight on dispute resolution.

Targeting scams report

- 2.18. In April 2019 we released the tenth annual [Targeting scams: report of the ACCC on scam activity 2018](#). The report examines key trends in scam activity and highlights the impact of scams on the community. It also emphasises the cooperative work of the ACCC, other regulators and law enforcement agencies to disrupt scams and educate consumers
- 2.19. In 2018 Scamwatch received 177 516 scam reports. This represents a 10 per cent increase over the 161 528 reports in 2017.
- 2.20. In 2018 Scamwatch reported the highest level of financial loss, a total of \$107 million, compared to \$91 million in 2017.

Scams Awareness Network

- 2.21. This quarter the Scams Awareness Week 2019 campaign toolkit was distributed to the Scams Awareness Network, Education and Information Advisory Committee, Consumer Consultative Committee and campaign partners. The campaign included a webpage, social media pages and a scams quiz themed 'vox-pops' video.
- 2.22. The ACCC continued sharing Scamwatch report data with the Scams Awareness Network, including law enforcement agencies.
- 2.23. The Office of the eSafety Commission, Australian Cyber Security Centre, Office of the Australian Information Commissioner and ACCC held two meetings this quarter to discuss coordination of whole of government cyber awareness.

Empowering consumers by increasing their awareness of their rights under the ACL

- 2.24. Educating consumers about their consumer rights is central to the ACCC's work protecting the interests and safety of consumers. The ACCC's education campaigns support consumers to navigate complex or difficult consumer decisions to help them make smart choices.
- 2.25. During the quarter ACCC online consumer education resources were accessed 1 002 133 times. The top three most accessed pages were:
 - [Petrol price cycles](#)—142 143
 - [Repair, replace, refund](#)—90 393
 - [Make a consumer complaint](#)—71 817
- 2.26. The top three publications viewed were:
 - [Targeting scams: report of the ACCC on scam activity 2018](#)—8069
 - [The little black book of scams](#)—5012
 - [Consumer guarantees a guide for consumers](#)—2960

Educating consumers and businesses about scams

- 2.27. The ACCC's Scamwatch website provides consumers and small businesses with information about scams. This quarter the Scamwatch website attracted 1 603 457 page views from 792 515 sessions visits.

- 2.28. The Scamwatch website received 36 661 scam reports with over \$33 million in reported losses this quarter.
- 2.29. The ACCC's simple guide on scams, [The little black book of scams](#), was downloaded 2 930 times via the Scamwatch website this quarter.
- 2.30. We issued four media releases on scams this quarter, which were also sent as radar alerts to our 86 715 Scamwatch radar subscribers:
- the enormous losses suffered by Australians in 2018
 - scams targeting Australian businesses
 - scams affecting vulnerable consumers
 - rising losses to NBN impersonation scams.
- 2.31. The ACCC also operates a Scamwatch Twitter account, @Scamwatch_gov, which alerts the public to scams targeting consumers and businesses and advises Australians how to recognise, avoid and report them. The Scamwatch Twitter account continued to expand its reach with 20 650 followers as at 30 June 2019, which was an increase of 550 followers during the quarter. About 106 tweets or retweets were posted during the period.
- 2.32. We attended a cross-government tax impersonation scam workshop held at Australian Cyber Security Centre (ACSC) offices, primarily involving law enforcement and intelligence agencies.
- 2.33. During this quarter we attended meetings and held discussion with ACSC in relation to the development of the CyberReport platform; Fintel Alliance Scams Working Group, Australian Federal Police in relation to issuing takedown notices to a variety of 'fake celebrity endorsement' scam website hosting providers; and students at the University of Melbourne and IDCARE (Australia and New Zealand's national identity and cyber support service) on identity theft.

Consumer directed care

- 2.34. As at 30 June 2019 the ACCC (through partnered stakeholders) had distributed 71 186 printed consumer brochures and 8069 industry guides. Online resources have been viewed or downloaded as follows:
- [Home care - know your consumer rights](#): 2037 page views and 1480 downloads
 - [Home care services - your business rights & obligations](#): 1763 page views and 1628 downloads.

Supporting a vibrant small business sector

- 2.35. The ACCC helps to ensure small businesses understand and comply with their obligations and encourages them to exercise their rights under the CCA. The ACCC aims to promote a competitive and fair operating environment for small business and to ensure that small businesses understand how the legislation can help them.
- 2.36. The ACCC continues to focus on education and awareness within the small business sector, including franchising.
- 2.37. During this quarter the ACCC's online business education resources were accessed 392 824 times and we continued to promote our three free online education programs:

- A program for small businesses covering major aspects of the CCA and ACL. Over 43 000 users have accessed this program since its launch in April 2013, including over 1500 this quarter.
 - A program for tertiary students studying subjects that touch on the CCA and the ACL. Over 48 000 users have accessed this program since its launch in November 2013, including around 900 this quarter.
 - A franchising pre-entry education program delivered by FranchiseED. Around 17 700 people have enrolled in this program since July 2010, including 248 this quarter.
- 2.38. The franchise pre-entry program was updated in this period to reflect a change to the appointed Mediation Adviser for the purposes of Part 4 of the Franchising Code of Conduct. The Small Business program was updated to reflect legislative amendments to Australian competition law following recommendations from the Harper Competition Policy Review.
- 2.39. During this quarter the ACCC sent 12 email updates to small business, franchising and oil code information networks. The updates provided subscribers with information about:
- the impact of digital platforms
 - availability of a Country of Origin labelling fact sheet in languages other than English
 - new and updated resources for prospective franchisees
 - tips for franchise dispute resolution
 - the ACCC's enforcement action against Jump Swim over alleged misleading conduct towards franchisees.
- 2.40. The ACCC continued targeted compliance checks as part of the Franchising Project. The compliance checks have been accompanied by an education campaign, which promotes the outcomes and learnings to the franchise community. It includes new resources and educational material targeting prospective franchisees, with a specific focus on potential franchisees who identify as culturally and linguistically diverse.

Country of origin food labelling

- 2.41. Since the Country of Origin Food Labelling Information Standard became mandatory on 1 July 2018, the ACCC has continued to monitor product labelling to ensure that businesses are presenting accurate country of origin information to consumers.
- 2.42. The ACCC recently conducted compliance checks to test the basis for country of origin claims made by food sellers. This work is ongoing.
- 2.43. The ACCC is also continuing to conduct market surveillance with the National Measurement Institute to identify businesses that may not be complying with the Country of Origin labelling laws.
- 2.44. On 3 May 2019 the ACCC published [translations of its Country of Origin Food Labelling factsheet](#). The factsheet has been translated into simplified Chinese, traditional Chinese, Vietnamese, Korean and Arabic. These translations have been made available to increase awareness of Country of Origin labelling requirements across a wider range of consumers and businesses.

Identifying and addressing the risk of serious injury and death from safety hazards in consumer products

- 2.45. The ACCC draws from numerous data sources to identify safety issues in consumer products. Data sources include mandatory reports of serious illness, injury or death, recalls that have taken place internationally and information received from the community. After the ACCC assesses relevant information, action may include:
- negotiating the recall of goods
 - educating industry and consumers
 - negotiating voluntary future changes to packaging labelling or product design
 - working to introduce changes to voluntary or mandatory requirements
 - working to implement new or revised product safety mandatory standards and bans.
- 2.46. More information on how the ACCC identifies, prioritises and addresses product safety risks is available at [ACCC Product Safety Priorities](#).
- 2.47. A key economy-wide strategic issue for the ACCC is working towards the introduction of a General Safety Provision. A General Safety Provision would place a legal obligation on traders to ensure the reasonable safety of goods placed on the market. The ACL does not presently impose this express obligation on suppliers.

Takata airbag recall

- 2.48. As at 30 June 2019 around 3.21 million (75%) defective Takata airbags have been replaced in about 2.28 million vehicles, leaving around 604,000 (18%) inflators in about 537,000 vehicles remaining for replacement (excluding 255,000 or 7% of inflators in 218,000 vehicles listed as unrepairable by vehicle manufacturers).
- 2.49. The ACCC is particularly concerned with around 5934 outstanding critical vehicles, which include 4495 alpha vehicles and around 1443 critical (non-alpha) vehicles that have been identified by vehicle manufacturers as requiring urgent repair. A vehicle is 'critical' when it is identified by vehicle manufacturers as having a Takata airbag inflator that poses a heightened safety risk and it is critical that replacement occurs immediately. This category applies to alpha airbags and also includes other airbags specified by the vehicle manufacturer. Alpha airbags are fitted in certain models of Honda, Toyota, Nissan, BMW, Mazda and Lexus cars sold in Australia between 2001 and 2004. Critical non-alpha vehicles include some Honda and Toyota cars sold in Australia between 2002 and 2012.
- 2.50. In May 2019 we published updated quarterly figures on the Product Safety Australia website outlining the progress of the recall by vehicle manufacturers, including a state and territory breakdown of vehicles requiring replacement of an airbag inflator. We also issued a media release which highlighted the need for more progress to be made with the recall and urging consumers to act as soon as they receive a recall notification. We will continue to publish updated data on the Product Safety Australia website on a quarterly basis, with the next publication to occur in July 2019.
- 2.51. The ACCC continues to work with the Federal Chamber of Automotive Industries (FCAI) to ensure the effectiveness of the national consumer awareness raising campaign the FCAI is leading on behalf of many vehicle manufacturers. The message 'Faulty airbags? Don't die wondering' calls on consumers to use a vehicle look-up tool to check if their vehicle is affected by going to www.IsMyAirbagSafe.com.au or by texting 0487 AIRBAG. As at 30 June 2019 this

tool had been accessed approximately 7.6 million times, with over 1.2 million affected vehicles identified.

- 2.52. The ACCC continues talking with businesses in the automotive industry, including vehicle manufacturers, parallel importers, auction houses and auto recyclers regarding their rights and obligations under the Recall Notice.
- 2.53. The ACCC also continues to work through the Takata Interagency Group with state and territory fair trading agencies, road traffic authorities and other interested stakeholders on initiatives to increase the effectiveness of the recall. A key initiative is registration sanctions for vehicles fitted with high risk defective alpha inflators. The ACCC has welcomed announcements from jurisdictions that have adopted these sanctions and we continue to work closely with authorities around the country.
- 2.54. In May and June 2019 the ACCC conducted outreach work in culturally and linguistically diverse communities in major cities where recall response rates by consumers are below the national average. We met with key community organisations to help raise awareness of the recall through trusted messengers within communities such as police, local councils and community leaders. We also provided electronic and printed materials in 14 languages represented by 5 per cent or more of the population in the target areas to various institutions including local councils, libraries and community groups for local distribution.

Quad bike safety

- 2.55. Quad bikes, also known as all-terrain vehicles (ATVs), have caused at least 133 fatalities in Australia since 2011, including 17 fatalities involving children. Three deaths occurred during this quarter from rollovers, including two children aged seven and nine.
- 2.56. In October 2017 the ACCC commenced an investigation into the safety of quad bikes for the purposes of advising the responsible Minister whether a mandatory safety standard under the ACL is necessary to prevent or reduce the risk of injury. The formal part of the investigation has concluded and the ACCC provided the Australian government its final recommendation to make a safety standard.
- 2.57. On 6 April 2019 the Australian government sought comment on the ACCC draft quad bike safety standard. Interested parties had until 10 June to respond. The ACCC managed the process and will report to the government.

Product safety recalls

Table 7: Recalls published—1 April to 30 June 2019

General consumer goods—ACL regulators including the ACCC	77
Motor vehicles—Department of Infrastructure	52
Food—FSANZ	29
Therapeutic goods—TGA	7
TOTAL	165

Note: ACCC-negotiated recalls are prompted by consumer complaints, supplier intelligence, market-place surveillance, overseas recalls and other Commonwealth and state/territory regulator referral.

Note: The figure for general consumer goods includes Takata airbag inflator recalls

Samsung top-loading washing machines recall

- 2.58. There is a serious defect in six models of Samsung top-loading washing machines that may cause, and has caused, electrical fires leading to property loss.
- 2.59. The ACCC continues to monitor the recall of the faulty Samsung washing machines, which is being led by the NSW electrical safety regulator. The recall is compulsory in NSW, but is offered voluntarily on the same terms to consumers in all other states and territories. In December the recall reached 91.86 per cent completion.
- 2.60. Although the completion rate is continuing to rise, Samsung washing machines are still associated with multiple fire incidents each month. This may indicate that the machines are more likely to catch fire as they are aging. We have had expert statistical review of the rate of fire incidents to validate our continued concern.

Recalls and Recalls Monitoring

- 2.61. The ACCC applies a risk-based approach to assessing recall performance and to guide recall monitoring actions.
- 2.62. There are currently 647 open recalls monitored by the ACCC. This quarter the ACCC assessed 595 recall progress reports submitted by suppliers. There were two recalls escalated for further assessment which resulted in further advertising for one of the recalls.
- 2.63. During this quarter the ACCC received 24 reports and enquiries that required assessment and response.
- 2.64. Four mandatory injury reports relating to recalled products were received and assessed.

Mandatory injury reports, complaints and enquiries

- 2.65. The ACCC receives mandatory injury reports from suppliers, which are assessed directly by the ACCC or are referred to a specialist regulatory agency for assessment. The total number of mandatory injury reports received for this quarter was 784. Of these, 356 were out of jurisdiction or were referred to another agency for assessment, 14 were progressed for further assessment, 25 were assessed as relevant to an existing investigation, and 387 were closed after a review of risk and the factors in the ACCC's annual Product Safety Priorities for allocating our finite resources.
- 2.66. During this quarter the ACCC received 228 reports of unsafe products and related enquiries that were escalated for hazard analysis and assessment.
- 2.67. The number of consumer enquiries received regarding the Takata compulsory recall decreased from 284 in the previous quarter to 139 this quarter. This continued decrease is likely to be the result of consumers having a better understanding of the recall and the steps they should take to get defective airbags replaced.

Consumer product safety strategies

- 2.68. The ACCC continues to educate consumers and suppliers about the importance of product safety. Consumers expect the goods and services they purchase to be safe and of acceptable quality. Businesses can better manage their legal risks if they have better buying practices and make sure the goods and services they sell are safe. The ACCC has delivered a number of initiatives to meet these objectives.

- 2.69. The ACCC worked proactively with eBay to educate suppliers on regulated consumer products to improve product safety in the online marketplace.

Button batteries

- 2.70. The ACCC completed the evaluation stage of the National Strategy for Button Battery Safety in this quarter and has determined that regulatory intervention is recommended to improve the safety of button battery consumer goods.
- 2.71. On 5 April the Assistant Treasurer asked the ACCC to take all steps necessary to expedite the regulatory impact assessment process required to support the development of future regulation.
- 2.72. The ACCC has commenced the development of an issues paper, which is planned to be released for public consultation in mid-2019. The findings from the evaluation of the National Strategy will be used to inform the development of the issues paper.
- 2.73. The ACCC continues to meet with the Industry Working Group and provide feedback on its revisions to the voluntary Industry Code for Button Battery Safety.
- 2.74. During this quarter the ACCC developed posters and magnets with button battery safety messaging to raise awareness of the issue with Indigenous and culturally and linguistically diverse communities. These messages are being shared as part of ACCC's outreach programs in North Queensland, the Northern Territory and New South Wales.

Consumer product safety DIY vehicle safety campaign

- 2.75. In June 2019 the ACCC launched a new communication campaign to renew and promote safety messaging targeting people attempting DIY repairs and maintenance on their cars. The campaign included the development and release of two videos, media release and a targeted social media campaign to raise awareness of this important issue. ACCC Commissioner Mick Keogh also provided media interviews in relation to the renewed campaign.
- 2.76. The first of these [videos](#) is informative. It provides consumers with safe use instructions when preparing a vehicle for DIY maintenance and has been designed to appeal to the everyday car enthusiast. This will allow the video to compete with the many other DIY videos found on the internet, which may have unsafe information.
- 2.77. The [second video](#) is an emotive piece. Robinette Emonson discusses the loss of her husband, who died when a vehicle rolled off ramps and crushed him at home. This video has been created to change behaviours and attitudes towards carrying out DIY activities with vehicles.
- 2.78. The ACCC launched a media campaign around the videos, resulting in 160 media items reaching a potential audience of over 7.35 million during the quarter. Online advertising also led to almost 95 000 views of the videos on YouTube.
- 2.79. The videos will have a long shelf life, enabling the ACCC to continue using them in safety messaging for the foreseeable future.

Mandatory safety standards reviews

- 2.80. The ACCC is responsible for administering and enforcing mandatory standards for consumer products. These standards are made by the Minister responsible for consumer product safety and specify the minimum safety or information requirements

that certain products must meet before they are supplied to the Australian market, to prevent the risk of death or serious injury to consumers.

- 2.81. In 2015–16 the ACCC established a program to review all 43 mandatory standards.
- 2.82. The ACCC reviews mandatory standards in line with the principles set out in the [ACCC's 2018 Product Safety Priorities](#). Reviews consider a number of factors including the time since the introduction of the standard or its last review, technical issues with the standard's operation, updates in safety specifications (voluntary standards), innovations in product design and the relative risk of death and serious injury.
- 2.83. As part of these reviews, the ACCC regularly publishes consultation papers seeking stakeholder submissions. Interested stakeholders can subscribe to the mailing list and receive email alerts about future consultation processes by visiting the [ACCC website](#).
- 2.84. The Minister amended the mandatory standard for self-balancing scooters this quarter, following a recommendation by the ACCC.
- 2.85. As at 30 June 2019 the ACCC has completed 17 mandatory standards reviews. Additionally, we conducted a second review of the standards on children's nightwear and self-balancing scooters, resulting in the Minister making amendments. Further, while the overall review of the prams and strollers standard continues, we completed a targeted review of this standard regarding convertible tricycle strollers, which resulted in the Minister making an amendment.
- 2.86. As at 30 June 2019 the ACCC has publicly consulted on a further 12 mandatory standards reviews that are in progress. The ACCC has also consulted on the permanent ban on miniature motorbikes (also known as monkey bikes) with unsafe design features.

Consumer product safety compliance

- 2.87. The ACCC uses an established risk-based assessment method to identify priorities for safety inspections of consumer products offered in the market. Before choosing target sectors or products, the ACCC also considers intelligence about market place problems, the length of time since a sector or product was last inspected and the opportunities to undertake activities jointly with other agencies. Inspections generally involve:
 - visual inspections of products in-store and online
 - performance testing by independent laboratories to check performance requirements mandated by the regulations.
- 2.88. The ACCC also conducts inspections to gauge the effectiveness of particular safety regulations. During this quarter we undertook surveillance of the following regulated and non-regulated products: bunk beds, cots (portable), decorative alcohol fuelled burners, prams and strollers, and gas masks containing asbestos.
- 2.89. As a result of this proactive surveillance program, four products across the following product categories were recalled by their respective suppliers due to non-compliance: trolley jacks, nightwear for children and treadmills.

Table 8: Quarterly surveillance snapshot

Total number of retailers/sites surveyed	272
Total number of product lines inspected	556
Total number of products requiring further assessment	12

3. Infrastructure regulation

- 3.1. The ACCC's infrastructure regulation role encompasses key infrastructure sectors of the economy, including telecommunications, petroleum, rail, water, ports and airports, and involves:
- Regulating access to bottleneck infrastructure and the price for that access. Effective regulation of infrastructure services supports effective competition in upstream and downstream markets, and the economically efficient operation and use of, and investment in, Australia's key infrastructure, thereby promoting the long-term interests of end-users.
 - Providing industry monitoring reports to government in relation to highly concentrated, newly deregulated or emerging markets. This includes annual monitoring reports for container stevedoring, airports, telecommunications and water, and at least quarterly reports on the prices, costs and profits relating to the supply of unleaded petroleum products and related services.
 - Enforcing industry-specific competition and market rules in some infrastructure sectors to improve the efficient operation of markets.

Telecommunications

Regulation of wholesale mobile voice services should continue

- 3.2. On 26 June 2019, following a public inquiry, the ACCC decided to extend the domestic Mobile Terminating Access Service (MTAS) declaration for voice services for a further five years until 30 June 2024. The MTAS is an essential wholesale service that allows consumers on different mobile networks to make calls to each other. It requires mobile network operators to connect and 'terminate' calls.
- 3.3. As mobile network operators have a monopoly over termination on their network, continued regulation of the MTAS promotes competition for downstream retail services by ensuring termination charges are cost based.
- 3.4. However, the ACCC decided to no longer regulate the termination of SMS MTAS after a transition period of six months due to increased competition from messaging services like iMessage and WhatsApp, which constrain SMS and the availability of unlimited SMS offers through mobile plans.
- 3.5. On 6 June 2019 the ACCC commenced an inquiry on whether to extend, vary or revoke the current MTAS final access determination (FAD) which sets out the price and non-price terms and conditions of access to the regulated MTAS service. The current MTAS FAD will continue until the inquiry concludes.

NBN Co 2017-18 LTRCM final determination

- 3.6. The ACCC completed its assessment of NBN Co's Long Term Revenue Constraint Methodology (LTRCM) determination and its price compliance for 2017–18 and announced its decision on 28 June 2019.
- 3.7. The ACCC determined to accept without modification NBN Co's proposed values for all elements of the LTRCM and was satisfied NBN Co did not exceed the maximum regulated prices during the period.

- 3.8. The LTRCM is an important component of the regulatory framework for the NBN, helping to ensure that NBN Co has appropriate incentives to invest prudently and efficiently.

NBN Co's proposed extension of SAU provisions industry consultation

- 3.9. The ACCC published a note seeking stakeholder comments on NBN Co's proposed variation to its special access undertaking (SAU) on 20 May 2019.
- 3.10. Through this SAU variation, NBN Co is seeking to extend to 2023 the operation of certain non-price provisions, which are set to expire 30 June 2019. These expiring provisions relate to NBN Co's product development forum, dispute resolution and customer endorsement of network design changes. These provisions have a shorter life than the SAU as a whole to allow for an assessment of whether they were operating as intended.
- 3.11. The ACCC must assess the SAU variation against the criteria specified in section 152CBD(2) of the CCA. Based on this assessment, the ACCC must either accept or reject the SAU variation.
- 3.12. The ACCC is currently considering submissions. The ACCC must make a decision on the SAU variation by December 2019.

Fixed line telecommunications services FAD inquiry

- 3.13. On 6 June 2019 the ACCC decided to extend the period for making FADs for the declared fixed line services until 12 December 2019.²
- 3.14. The ACCC decided to extend the time period past the 30 June 2019 expiration to undertake further consultation. The existing FADs continue to apply.
- 3.15. The fixed line services are supplied by Telstra over its legacy copper network to provide voice and broadband services to fixed telecommunications users. Telstra's legacy copper network will eventually be shut down in areas where consumers migrate to the NBN fixed line services.

DTCS FAD inquiry

- 3.16. The ACCC commenced consultation on making a FAD for the domestic transmission capacity service (DTCS), releasing a Consultation Paper on 5 June 2019. This followed the ACCC's decision to extend and vary the DTCS declaration for a further five years on 1 April 2019.
- 3.17. Wholesale transmission services, including the regulated DTCS, are an essential input into many retail telecommunications services including mobile, residential broadband and business services. Transmission services are high capacity links provided over networks that are generally capital intensive to build and inefficient to duplicate in many cases.
- 3.18. By accessing wholesale transmission, service providers can offer competitive services to consumers in areas where they do not own their own transmission infrastructure. The regulated DTCS ensures that these providers can access transmission on reasonable terms.

² The fixed line services are: Local Carriage Service (LCS), Wholesale Line Rental (WLR), Line Sharing Service (LSS), Unconditioned Local Loop Service (ULLS), Fixed Originating Access Service (FOAS), Fixed Terminating Access Service (FTAS), and Wholesale Asymmetric Digital Subscriber Line (WADSL).

No reporting rules for dark fibre, NBN aggregation providers

- 3.19. Following consultation, the ACCC decided not to issue its proposed dark fibre and NBN aggregation record keeping rule (RKR) on 16 May 2019.
- 3.20. The proposed RKR would have required eligible service providers to record information and provide the ACCC with quarterly reports on wholesale supply and pricing of dark fibre and NBN wholesale aggregation services. This measure was proposed after concerns were raised about the availability and level of competition in the relevant markets during the ACCC's Communications Market Study.
- 3.21. The ACCC now considers that competition in the market for NBN aggregation services is developing as the NBN rollout continues and that this has largely addressed customer concerns. However, the ACCC will monitor these markets as the NBN rollout progresses.
- 3.22. Dark fibre refers to 'unlit fibre optical cable' used for transmission services that carry large volumes of traffic from one point to another. NBN aggregation services involve the supply of NBN wholesale access in conjunction with wholesale transmission services to other service providers (often small retail service providers (RSPs)) without the scale to make direct NBN connections to supply retail NBN services.

Measuring Broadband Australia

- 3.23. On 7 May 2019 the ACCC released its fifth [Measuring Broadband Australia](#) (MBA) report.
- 3.24. The report examined whether RSPs' performance matches the speeds they advertise for their NBN services. Most RSPs are achieving average speeds on their NBN broadband plans across busy hours that meet or exceed the typical plan speeds they advertise for the busy evening periods.
- 3.25. The goal of the MBA program is to encourage greater performance-based competition. The ACCC has observed that the increased transparency provided by the MBA program has helped lift broadband performance.
- 3.26. For the first time, the report also included data on the frequency of outages on NBN services for major RSPs which is a source of discontent for many consumers.

First report on internet activity

- 3.27. On 14 May 2019 the ACCC released its [first report on internet activity by Australians](#) for the period ending 31 December 2018. The report outlines the data collected through its new Internet Activity RKR and will be released biannually.
- 3.28. The information contained in the report is valuable for the industry, regulatory decision making and the ACCC's annual communications market report.
- 3.29. Key findings from the December 2018 data collection include:
 - Mobile handsets continue to be the most common way of accessing the internet while the largest volume of data is downloaded over fixed lines/wired technologies.
 - The total number of retail services in operation (SIOs) reached 39.9 million, 61 per cent were mobile handsets, 21 per cent were wireless broadband and 18 per cent were fixed-line/wired broadband.

- 3.30. The ACCC intends to release a richer dataset of internet activity information with a greater level of granularity and disaggregation in future reports.

NBN wholesale market indicators report – March quarter 2019

- 3.31. The ACCC released its wholesale market indicators report for the March quarter 2019 on 21 May 2019. The report revealed that more than 5.2 million Australian households are now connected to the NBN, with almost 60 per cent subscribed to higher speed plans (of 50 Mbps or above).
- 3.32. The report fulfils an important role by providing stakeholders with key data on how the NBN wholesale market is developing.
- 3.33. Other key observations in the report include:
- Connectivity Virtual Circuit, which is the NBN bandwidth acquired by RSPs to provide data to their customers, increased slightly on a per user basis over the quarter from 1.65 Mbps to 1.67 Mbps.
 - RSPs' market shares remained mostly stable during the quarter, with smaller retailers slightly increasing their collective share from 6.6 per cent to 6.8 per cent – a rise of about 38 700 services.

Performance issues for fixed wireless broadband consumers

- 3.34. On 23 May 2019 the ACCC published a consumer guide for NBN fixed wireless customers who experience broadband performance issues. The ACCC has also extended its Broadband Speed Claims - Industry Guidance for retailers about how to advertise broadband speed claims to include fixed wireless broadband from all service providers.
- 3.35. NBN fixed wireless broadband is used by about 280 000 consumers in regional and remote areas. In May 2019 about 3 per cent of cells on fixed wireless towers were congested, according to NBN figures. However, the proportion of services affected by congestion is higher than this figure as we understand there are a disproportionately higher number of services connected to congested cells.
- 3.36. The ACCC's consumer guide seeks to empower NBN fixed wireless consumers to exercise their consumer rights and seek redress from their service provider if their speeds are lower than represented. It also contains a troubleshooting guide to help consumers who are experiencing reduced speeds on their fixed wireless service.
- 3.37. The ACCC's updated industry guidance on speed claims now covers services offered over fixed wireless infrastructure. The guidance sets out the ACCC's expectation that broadband providers give consumers accurate speed and performance information both prior to and at point of sale and provide appropriate disclosures of any fixed wireless limitations.

Fuel

Petrol monitoring report – March quarter 2019

- 3.38. The ACCC released its March quarter 2019 petrol monitoring report on 31 May 2019. It found that:
- Average retail petrol prices in the five largest cities (Sydney, Melbourne, Brisbane, Adelaide and Perth) were significantly lower in the March quarter 2019 compared with the previous quarter, although they were trending upwards. In the March

quarter 2019, average retail petrol prices across the five largest cities were 130.3 cpl, a decrease of 11.8 cpl.

- The decrease in retail petrol prices in the March quarter was largely driven by decreases in the relevant international price of refined petrol and gross indicative retail differences (GIRDs—the difference between average retail prices and average wholesale prices).
- Average GIRDs in the five largest cities were 9.5 cpl in the March quarter 2019, a decrease of 4.4 cpl from the previous quarter, and the lowest level in four years (in both real and nominal terms).

3.39. The report also observed that the influence of the supermarket chains in the retail petrol market is diminishing.

3.40. The ACCC provides information and analysis to explain fuel markets and give consumers confidence that fuel markets are being monitored and prices are not influenced by anti-competitive behaviour. This is undertaken following a Ministerial Direction under Part VIIA of the CCA.

Fuel consultative committee

3.41. The ACCC hosted a half-yearly meeting of its Fuel Consultative Committee (FuelCC) on 3 May 2019. The FuelCC was established in 2010 to provide an opportunity for dialogue between the ACCC, the fuel industry, and motoring organisations. The information shared increases our understanding of fuel industry issues and assists us in undertaking our role on issues related to competition and consumer protection in the fuel industry.

3.42. The May meeting included an update by the ACCC on its recent fuel monitoring and reporting activities, and updates from the fuel industry and motoring organisations on a range of issues, including capital investment in Australian downstream assets, implementation and take-up of fuel price information services and recent international and domestic pricing influences.

Rail

2015 Annual Compliance Assessment of ARTC's Hunter Valley Access Undertaking

3.43. On 5 April 2019 the ACCC released its final determination on the Australian Rail Track Corporation's (ARTC's) compliance with the Hunter Valley Access Undertaking (HVAU) for the 2015 calendar year. Under the HVAU, ARTC is required to annually submit documentation to the ACCC for an assessment of its compliance with the HVAU financial model.

3.44. The compliance assessment, in combination with other aspects of the HVAU, is intended to ensure that ARTC does not abuse its market power and charge prices yielding revenues in excess of efficient costs and normal profit levels. This promotes an environment for coal producers and associated industries where efficient investment and expenditure can be undertaken.

3.45. The ACCC's final determination is that ARTC has undertaken prudent capital expenditure and incurred efficient operating expenditure in accordance with the requirements set out in the HVAU, except insofar as the ACCC considers it necessary to adjust expenditures for issues related to interest during construction, a margin added to certain maintenance expenditure, and incidents costs.

Water

Water monitoring report 2017–18

- 3.46. The ACCC publicly released its Water Monitoring Report for 2017–18 on 24 June 2019.
- 3.47. The report noted that hotter and drier-than-average weather led to reduced water availability and higher prices for tradeable water products in 2017–18, placing pressure on water users in the Murray–Darling Basin. Despite this, 2017–18 was a relatively stable year for water infrastructure operators, with relatively minor changes in hypothetical (or average) customer bills in the majority of networks.
- 3.48. The ACCC monitors regulated water charges and compliance with the water charge rules and water market rules. The ACCC produces an annual monitoring report to inform the market on trends it observes through its monitoring role. The ACCC also facilitates effective water (and related) markets by enforcing compliance with the water market and charge rules made under the *Water Act 2007*.

Copyright

ACCC publishes final copyright guidelines

- 3.49. On 11 April 2019 the ACCC published copyright guidelines to assist the Copyright Tribunal of Australia in the determination of copyright remuneration for the purposes of section 157A of the *Copyright Act 1968*. The Tribunal is intended to act as a constraint on the exercise of market power by collecting societies, by making decisions with respect to the reasonable terms and conditions of copyright licences, including licence fees.
- 3.50. Copyright owners often collectively join together to negotiate remuneration for their works in a collecting society, which may confer market power. Copyright users, such as gymnasiums and cafes, are unlikely to negotiate individually with copyright owners. In this context, the guidelines support the Tribunal in determining appropriate pricing outcomes for copyright users and owners.
- 3.51. The pricing approaches in the guidelines seek to preserve competition between individual copyright owners, restrain a collecting society's market power and lead to pricing outcomes that more closely match those that would have prevailed had competition existed between copyright owners. The guidelines may also help collecting societies and copyright users negotiate reasonable copyright remuneration for blanket licences outside of the Tribunal.

4. Market studies and research

- 4.1. The ACCC undertakes market studies, both government-directed and self-initiated, to support competition, consumer and regulatory outcomes.

East Coast Gas inquiry

East coast gas prices need to follow export prices down

- 4.2. The ACCC released its [interim report on the Gas Inquiry](#) on 30 May 2019, revealing that high prices remain a critical issue for domestic gas users and could result in more businesses relocating or closing in the east coast in the medium to longer term.
- 4.3. The report shows that most commercial and industrial Australian gas users will pay more than \$9/GJ for gas this year, and some more than \$11/GJ. Businesses that rely heavily on gas are increasingly likely to relocate from the east coast or wind up their operations.
- 4.4. At the 2019 APPEA Oil and Gas Conference in Brisbane the ACCC publicly noted announcements of closures of a number of manufacturing plants, blamed in part on high gas prices. Many other manufacturers are close to making critical decisions on their future operations if wholesale gas prices do not soften.
- 4.5. The report notes that expected LNG netback prices have fallen significantly over the past six months. The 2020 average of expected LNG netback prices at Wallumbilla fell from around \$11/GJ in October 2018 to around \$9/GJ as at the end of April 2019. The ACCC will be monitoring whether gas suppliers revise down prices in their offers to reflect these latest expectations as quickly as they increased the prices when expected LNG netback prices were rising in 2018.
- 4.6. A final report is required to be submitted to the Treasurer by 30 April 2020.

Electricity market monitoring

Guide to Electricity Retail Code

- 4.7. On 18 June 2019 the ACCC released a [guide](#) to assist electricity retailers understand their responsibilities under the Electricity Retail Code.
- 4.8. The code introduces a price cap on standing offers, determined by the AER. It also requires prices and discounts to be compared to a common reference price and prohibits conditional headline discounting. The code flows from the ACCC's 2018 Retail Electricity Pricing Inquiry final report which made a number of recommendations. The reforms will reduce standing offer prices that are unjustifiably high, as well as standardise discounting practices to increase transparency and comparability in the marketing of electricity offers.
- 4.9. The ACCC will be enforcing the code, which came into effect on 1 July 2019. We will also be monitoring the effects of the code on the retail market as part of our inquiry.

Wine grape market study

- 4.10. The ACCC continued work on the wine grape industry market study this quarter, publishing the [Wine grape market study – June interim report](#) on 3 June 2019. The report contains several interim findings and recommendations relating to wine grape

quality assessments, price transparency, payment periods, the voluntary Australian Wine Industry Code of Conduct and contracting practices.

- 4.11. Submissions on the interim report were due in late June 2019. The ACCC expects to release the final report in September 2019.

Digital platforms inquiry

- 4.12. Since the last quarter, the ACCC continued consultation with stakeholders and drafting of the final report. In particular, the ACCC continued its engagement with Australian government entities, including the Australian Media and Communications Authority, the Office of the Australian Information Commissioner, the Department of Communications and the Arts, and Treasury.
- 4.13. On 30 June 2019 the ACCC provided the Treasurer with its final report on the inquiry into the impact of digital search engines, social media platforms and digital content aggregation platforms on competition in the media and advertising markets. The government released the ACCC's final report on 26 July 2019.

Customer loyalty schemes review

- 4.14. The ACCC is finalising its review into customer loyalty schemes and expects to release a report in the coming months, following engagement with the operators of major customer loyalty schemes, and the analysis of publicly available material and information obtained by the ACCC through other processes.

5. Advocacy, legislative and legal developments

Australian Consumer Law Review

- 5.1. During the June quarter the ACCC continued to work closely with the Commonwealth Treasury and state and territory regulators to progress recommendations from the ACL Review Final Report, including:
 - participating in a number of Consumer Affairs Australia and New Zealand (CAANZ) sub-committees that advise CAANZ on how it should progress the remaining proposals and actions arising from the ACL Review Final Report, and
 - leading a public consultation on CAANZ guidance on the meaning of 'unsafe' and 'reasonable durability' within the consumer guarantees regime in the ACL.

New Zealand Ministry of Business, Innovation and Employment discussion paper into unfair commercial practices

- 5.2. On 18 April 2019 the New Zealand Ministry of Business, Innovation and Employment made public the submissions to their discussion paper into unfair business practices.
- 5.3. The ACCC made a submission outlining the experience of enforcing the unconscionable conduct and business to business unfair contract term provisions of the ACL and the potential adoption of unfair trading practices in Australia.
- 5.4. The Ministry of Business, Innovation and Employment intends to report to the New Zealand Cabinet by 31 July 2019 with any proposals for legislative change.

Repeal of section 51(3) of the CCA

- 5.5. On 12 March 2019 the Treasury Laws Amendment (2018 Measures No. 5) Bill 2018 received royal assent. The Bill repealed section 51(3) of the CCA, which exempted licensing or assignment of intellectual property rights from certain competition provisions in Part IV of the CCA. These changes will come into effect on 13 September 2019.
- 5.6. The ACCC has drafted guidelines on the application of Part IV of the CCA to intellectual property following the repeal. These guidelines outline how the ACCC proposes to investigate and enforce Part IV in relation to conduct involving intellectual property rights. They also provide hypothetical examples to illustrate conduct that the ACCC considers is likely or unlikely to contravene Part IV.
- 5.7. The ACCC released the draft guidelines for public comment on 21 June 2019, with submissions due on 19 July 2019. The ACCC will publish a final version before 13 September 2019.

Franchising Code of Conduct and Oil Code of Conduct review

- 5.8. Following the release in March of the Fairness in Franchising report of the Parliamentary Joint Committee on Corporations and Financial Services, the government has established an inter-agency Franchising Taskforce to examine the 71 recommendations.

Food and Grocery Code of Conduct review

- 5.9. On 4 June the ACCC submitted a response to the draft amended Food and Grocery Code of Conduct.

- 5.10. On 4 April the government released for comment its draft amendment regulations: the Competition and Consumer (Industry Codes—Food and Grocery) Amendment Regulations 2019. This follows the government’s response to the Independent Review of the Food and Grocery Code of Conduct in March 2019.
- 5.11. The ACCC made a submission on the draft regulations on 3 June 2019, where we restated our view that:
- the code should be made mandatory for all relevant retailers and wholesalers
 - pecuniary penalties and infringement notices should be available for breaches of the code; and
 - the code should provide for genuinely independent dispute resolution.

National Disability Insurance Scheme

- 5.12. During this quarter we delivered a campaign with ACL regulators to raise awareness among NDIS providers and participants about consumer rights and the new NDIS Commission. The ACCC launched the consumers with disability [educational resources](#) that included the publication ‘Consumers with disability—where to go for advice or complaints’. The ACCC and ACL regulators sent emails to a range of disability stakeholders, including the NDIA and NDIS Commission, promoting awareness of these resources and the distribution of the resources among the stakeholders of their organisations.

6. International collaboration

- 6.1. The ACCC engages closely with competition and consumer protection counterparts around the world. International cooperation with our partner agencies has become increasingly important as new business models emerge that can affect consumers across multiple jurisdictions.
- 6.2. This applies particularly to trade with Australia's neighbours in the Asian region, with the growth in trade and investment between Australia and Asia expected to result in an increase in Australian competition matters (such as merger and cartel investigations) that have an Asian nexus. The ACCC recognises the value of effective competition and consumer protection regulation and regional cooperation and continues to commit efforts to relationship and capacity building in the Asia Pacific region.

Cooperation and assistance

- 6.3. The ACCC facilitates delivery of our organisational goals by effective cooperation with our international counterparts, including on joint and parallel investigations on cross-border matters and through the sharing of information.
- 6.4. During the June quarter the ACCC engaged with counterparts on a range of product safety, consumer, competition and regulatory matters including:
 - Responding to requests for information from international agencies, including, Japan, Hong Kong Mexico, Russia, Korea, Vietnam, Brazil and Israel.
 - Requesting information from international agencies including France, the European Commission, United States, United Kingdom, Canada, New Zealand and the Organisation for Economic Cooperation and Development (OECD).
 - Engaging with international counterparts on developing best practices across a variety of areas, including consumer protection and competition enforcement, economic regulation and investigative practices.
 - Entering into a new Memorandum of Cooperation between the ACCC and the United States Federal Bureau of Investigations (FBI).
 - Participating in a visiting International Enforcer program secondment with the United States Department of Justice (USDOJ).
 - Participating in a United States Federal Trade Commission (USFTC) Fellow Program.
 - Speaking at a USFTC hearing in Washington DC and at the American Bar Association spring meeting.
 - Participating in bilateral meetings in Washington DC with the European Commission Directorate-General for Competition, USFTC and the USDOJ
 - Visiting the Canadian Bureau of Competition in Ottawa
 - Continuing a one-year secondment to the UK Office of Gas and Electricity Markets.
 - Continuing a 13-month secondment to the OECD working on a product recalls effectiveness project.
 - Hosting a staff member from the Philippine Competition Commission for a six-week study visit.

- Hosting delegations from the Fijian Competition and Consumer Commission and from the Vietnam Competition and Consumer Authority
- Attending the 18th meeting of the OECD Working Party on Consumer Product Safety (WPCPS). The General Manager of the ACCC's Consumer Product Safety Branch visited the OECD Conference Centre in Paris as the new chair of the WPCPS.
- Engaging with the OECD and the European Commission to provide input on the 2019 Global Awareness Campaign proposal on product recalls.
- Participating in regular bilateral product safety teleconferences with New Zealand Trading Standards and Commerce Commission officials.
- Continuing a twelve month secondment to the New Zealand Commerce Commission (NZCC).
- Participating in regular bilateral enforcement teleconferences with NZCC officials.

Participation in international forums

- 6.5. Participation in international forums supports the ACCC's capability by strengthening cooperative relationships and informing staff on international practices to assist them in their work. Our participation in these forums also benefits Australian consumers and business, as we contribute to developing international best practice on competition and consumer policy and regulatory frameworks and practices.
- 6.6. In the June quarter the ACCC attended several important international events including:
- A meeting of the OECD Committee on Consumer Policy in Paris, France.
 - A meeting of the OECD Working Party on Consumer Product Safety – The General Manager of the ACCC's Consumer Product Safety Branch visited the OECD Conference Centre in Paris as the new chair of the WPCPS.
 - Meetings of the OECD Network of Economic Regulators and Regulatory Policy Committee in Paris, France.
 - The ICPEN High Level Meeting and Annual Conference in Livingstone, Zambia.
 - The 10th African Dialogue Conference in Livingstone, Zambia.
 - The ICN Annual Conference in Cartagena, Colombia.
 - The OECD-ACCP (ASEAN Committee on Consumer Protection) Workshop on Product Safety in Bangkok, Thailand.
 - Meetings of the OECD's Competition Committee, Working Party No. 2 on Competition and Regulation and Working Party No. 3 on Co-operation and Enforcement in Paris, France.
 - The Taiwan International Conference on Competition Policy and Law in Taipei, Taiwan.
 - The Global Antitrust Institute–Economics Institute for Competition Enforcers in Huntington Beach, California.
- 6.7. In the June quarter the ACCC delivered a number of capacity building activities under the ASEAN-Australia-New Zealand Free Trade Area Competition Law Implementation Program (CLIP), including:

- Placing an ACCC Resident Advisor at Indonesia's Commission for the Supervision of Business Competition (KPPU) for three months, commencing in March. The Advisor provided advice to KPPU staff on various aspects of competition law enforcement and in relation to the KPPU's advocacy for law reform.
 - Placing an ACCC Resident Advisor at the Malaysia Competition Commission for three months, commencing in May. The key focus of this ongoing placement is the provision of advice on merger review analysis and process, in preparation for the planned introduction of merger control provisions within the Malaysian competition law.
 - Delivering a workshop in Vietnam on Remedies for Competition Law Infringements to participants from Vietnam and Thailand to discuss approaches to identifying, negotiating, and enforcing effective remedies for competition law infringements in both merger and non-merger cases.
 - Supporting a CLIP secondment from the Competition Department of the Cambodian Ministry of Commerce to the New Zealand Commerce Commission (NZCC). The secondment facilitated the transfer of knowledge about NZCC's organisational structure and processes, as well as its investigation and enforcement practices as Cambodia prepares to adopt its competition law.
 - Placing an ACCC expert at Myanmar's Ministry of Commerce Competition Division for four weeks, the second part of a two-part placement. The ACCC expert provided support with the development of an investigation review process and internal procedures and consideration of capacity building activities for newly appointed Commissioners of the Myanmar Competition Commission.
- 6.8. The ACCC also progressed work on the ASEAN Australia New Zealand Free Trade Area Consumer Protection Scoping Project, which explores the merit of extending our cooperation with ASEAN to also encompass consumer protection.

Appendices

A Reports and enquiries

Table 1: ACCC reports about trader conduct, investigations and litigation funnel

Category	March 2019 quarter
Infocentre contacts received (phone, email and letters)	66 309
Contacts recorded in the database	60 055
Assessments commenced	97
Initial investigations commenced	48
In-depth investigations commenced	31
First instance litigation commenced	9

Table 2: Reports about trader conduct and enquiries—top ten by industry

Industry	Contacts
Car retailing	2 261
Electrical, electronic & gas appliance retailing	2 234
Non-store retailing	1 576
Other personal services	1 527
Other administrative services	916
Furniture retailing	603
Clothing retailing	464
Air and space transport	434
Travel agency & tour arrangement services	395
Other telecommunications network operation	395

Table 3: Top scam categories reported to the ACCC

Scam category	Contacts
Attempts to gain your personal information	11 288
Buying or selling	6 823
Threats & extortion	2 956

Unexpected winnings	2 302
Investment scams	1 510
Unexpected money	1 341
Dating and romance	928
Jobs and employment	885

B Enforcement outcomes and matters in court as at 30 June 2019

Proceedings commenced

Competition		
Cartel	Vina Money Transfer Pty Ltd & Ors	
	commenced jurisdiction	11 April 2019 Melbourne Magistrates' Court
Consumer protection		
Vulnerable & disadvantaged consumers	Bupa Aged Care Australia Pty Ltd	
	commenced jurisdiction	17 April 2019 Federal Court Melbourne
Essential services – misleading & deceptive conduct	iSelect Limited	
	commenced jurisdiction	11 April 2019 Federal Court Melbourne
Franchising – misleading & deceptive conduct	Jump Loops Pty Ltd & Ors	
	commenced jurisdiction	18 June 2019 Federal Court Melbourne
Digital platforms – misleading & deceptive conduct	Kogan Australia Pty Ltd	
	commenced jurisdiction	23 May 2019 Federal Court Melbourne
Broadband services	Optus Internet Pty Limited & Anor	
	commenced jurisdiction	24 June 2019 Federal Court Melbourne
Priority factor – misleading & deceptive conduct	Quantum Housing Group Pty Ltd	
	commenced jurisdiction	16 May 2019 Federal Court Perth
Priority factor – misleading & deceptive conduct, UCTs & unconscionable conduct	Smart Corporation Pty Ltd (t/a Australian 4WD Hire)	
	commenced jurisdiction	17 April 2019 Federal Court Perth
Consumer guarantees	Sony Interactive Entertainment Network Europe Limited & Anor	
	commenced jurisdiction	23 May 2019 Federal Court Melbourne

Proceedings ongoing

Competition		
Cartel	Australia and New Zealand Banking Group Ltd (ANZ) & Ors	
	commenced	5 June 2018
	jurisdiction	Downing Centre Local Court Sydney
Cartel	Construction, Forestry, Maritime, Mining and Energy Union (CFMMEU) & Anor	
	commenced	16 August 2018
	jurisdiction	ACT Magistrates Court
Cartel	Citigroup Global Markets Australia Pty Limited & Ors	
	commenced	5 June 2018
	jurisdiction	Downing Centre Local Court Sydney
Cartel	Cascade Coal Pty Ltd & Ors	
	commenced	25 May 2015
	jurisdiction	Federal Court Sydney
Cartel	Country Care Pty Ltd & Ors	
	commenced	14 February 2018
	jurisdiction	Magistrate's Court of Victoria
Cartel	Deutsche Bank Aktiengesellschaft (Deutsche Bank) & Ors	
	commenced	5 June 2018
	jurisdiction	Downing Centre Local Court Sydney
Cartel	Kawasaki Kisen Kaisha Ltd	
	commenced	November 2016
	jurisdiction	Federal Court Sydney
Anti-competitive conduct	NSW Ports Operations Hold Co Pty Ltd & Ors	
	commenced	10 December 2018
	jurisdiction	Federal Court Sydney
Anti-competitive conduct	Pacific National Pty Limited & Anor (appeal)	

	commenced	19 July 2018
	jurisdiction	Federal Court Melbourne
Health	Ramsay Health Care Australia Pty Limited	
	commenced	1 May 2017
	jurisdiction	Federal Court Sydney
Consumer protection		
Consumer - health	Ashley & Martin Pty Ltd	
	commenced	29 November 2017
	jurisdiction	Federal Court Perth
Unconscionable conduct vulnerable consumers	Australian Institute of Professional Education Pty Ltd	
	commenced	31 March 2016
	jurisdiction	Federal Court Sydney
Unconscionable conduct vulnerable consumers	Cornerstone Investment Australia Pty Ltd (t/a Empower Institute)	
	commenced	9 December 2015
	jurisdiction	Federal Court Sydney
Excess surcharging	CLA Trading Pty Ltd (t/a Europcar)	
	commenced	25 July 2018
	jurisdiction	Federal Court Melbourne
False or misleading representations – small business	Employsure Pty Ltd	
	commenced	21 December 2018
	jurisdiction	Federal Court Sydney
Industry Codes Franchising	Geowash Pty Ltd	
	commenced	26 May 2017
	jurisdiction	Federal Court Perth
False or misleading representation - health	GlaxoSmithKline Consumer Healthcare Australia Pty Ltd & Novartis Consumer Health Australasia Pty Ltd	
	commenced	5 December 2017
	jurisdiction	Federal Court Sydney
Consumer guarantees	Jayco Corporation Pty Ltd	

	commenced	29 November 2017
	jurisdiction	Federal Court Melbourne
Consumer guarantees	LG Electronics Australia Pty Ltd (appeal)	
	commenced	25 September 2017
	jurisdiction	Full Federal Court Sydney
Small business – unfair contract terms	Mitolo Group Pty Ltd & Anor	
	commenced	25 June 2018
	jurisdiction	Federal Court Melbourne
Vulnerable consumers - health	NIB Health Funds Limited	
	commenced	30 May 2017
	jurisdiction	Federal Court Melbourne
Unconscionable conduct - vulnerable consumers	Phoenix Institute of Australia Pty Ltd & Anor	
	commenced	24 November 2015
	jurisdiction	Federal Court Sydney
Unconscionable conduct – vulnerable consumers	Productivity Partners Pty Ltd (t/a Captain Cook College)	
	commenced	9 November 2018
	jurisdiction	Federal Court Sydney
Misleading & deceptive conduct	Service Seeking Pty Ltd	
	commenced	14 December 2018
	jurisdiction	Federal Court Perth
Misleading & deceptive conduct	STA Travel Pty Ltd	
	commenced	28 March 2019
	jurisdiction	Federal Court Melbourne
Misleading & deceptive conduct	TPG Internet Pty Ltd	
	commenced	4 December 2018
	jurisdiction	Federal Court Melbourne
Misleading & deceptive conduct	Trivago N.V.	
	commenced	23 August 2018
	jurisdiction	Federal Court Melbourne

Unconscionable conduct - vulnerable consumers	Unique International College Pty Ltd (appeal)	
	commenced	13 December 2017
	jurisdiction	Federal Court Sydney
Consumer - Online	Viagogo	
	commenced	28 August 2017
	jurisdiction	Federal Court Sydney
False or misleading representations – car retailing	Volkswagen Aktiengesellschaft and Volkswagen Group Australia Pty Ltd	
	commenced	31 August 2016
	jurisdiction	Federal Court Sydney
False or misleading representations	Woolworths Limited	
	commenced	2 March 2018
	jurisdiction	Federal Court Melbourne

Proceedings concluded

Competition		
Cartel	P.T. Garuda Indonesia Ltd	
	commenced	18 April 2016
	concluded	30 May 2019
	jurisdiction	High Court Australia
	outcome	Penalties of \$19 million Garuda has filed a Notice of Appeal
Cartel	PZ Cussons Australia Pty Ltd (appeal)	
	commenced	20 February 2018
	concluded	24 May 2019
	jurisdiction	Full Federal Court Sydney
	outcome	ACCC appeal dismissed
Consumer Protection		
Indigenous Australians	Birubi Art Pty Ltd	
	commenced	21 March 2018

	concluded jurisdiction outcome	26 June 2019 Federal Court Sydney Penalties of \$2.3 million
Consumer guarantees	Jetstar Airways Pty Ltd	
	commenced concluded jurisdiction outcome	17 December 2018 30 May 2019 Federal Court Sydney Penalties of \$1.95 million
Truth in advertising	Kimberly-Clark Australia Pty Ltd	
	commenced concluded jurisdiction outcome	12 December 2016 28 June 2019 Federal Court Sydney Court found that Kimberly Clark did not mislead consumers about the suitability of its wipes to be flushed down the toilet

Section 87B undertakings

Competition		
Nil		
Consumer Protection		
Unfair contract terms	Hutchison Ports Australia Pty Limited	1 April 2019

C Use of compulsory information gathering powers

In carrying out its functions the ACCC may issue notices under the CCA to gather information, documents and evidence. During the June 2019 quarter the ACCC issued the following notices:

Section of the CCA	Number of notices	Number of variations
51ADD - information or documents kept, generated or published under an applicable industry code	6	6
60H - information or documents relating to prices or setting of prices before or after the carbon tax repeal or the carbon tax repeal transition period	0	0
95ZK - information or documents relevant to a price notification, inquiry or monitoring under Part VIIA of the CCA	51	19
133D - information, documents or evidence regarding consumer goods or product-related services that will or may cause injury	0	0
155(1)(a) - provision of information	0	0
155(1)(b) - provision of documents	10	4
155(1)(a) and (b) - provision of information and documents	34	28
155(1)(c) - giving of sworn evidence at a formal examination	21	2
155AAA - notices regarding the ACCC sharing information with other regulators	1	0

D Major speeches

During the June 2019 quarter the ACCC took part in numerous speaking events and panel discussions, including:

[State of the east coast gas industry](#)

Chair Rod Sims
2019 APPEA Oil and Gas Conference
30 May 2019

[Address to the 2019 Competition Law Conference](#)

Chair Rod Sims
2019 Competition Law Conference
25 May 2019

[The ACCC view – dairy from a competition perspective](#)

Commissioner Mick Keogh
Trans-Tasman Dairy Leaders Forum
6 May 2019

[Delivering quality infrastructure](#)

Commissioner Cristina Cifuentes
OECD Forum on Governance of Infrastructure 2019
18 April 2019

[NBN affordability a growing issue](#)

Chair Rod Sims
CommsDay Summit
8 April 2019