Society of Consumer Affairs Professionals Annual Conference

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Graeme Samuel

I'd like to thank SOCAP for the invitation to speak here today.

The Australian Competition and Consumer Commission (the ACCC) greatly values the relationship we have with the Society. We particularly appreciate this opportunity to fill you in on the work we are doing to promote competition and protect Australian consumers.

The fundamental aim of the ACCC is that all businesses comply with the Trade Practices Act (the Act), and to this end, the overwhelming focus of our work is on education, advice and persuasion.

The ACCC much prefers compliance over confrontation or crackdown. But, having said that, the ACCC also sends a clear message – that message is that we will never hesitate to confront any business or crackdown on any behaviour which flouts the clear obligations all business has to comply with the Act.

We believe it is eminently more sensible to have business comply with the Act, instead of have it act in a way that does damage to both consumers and the business, and then have to try to undo that damage.

As such, each year the ACCC distributes hundreds of thousands of copies of our publications, we focus our broad compliance efforts on key sectors or areas of conduct, we speak at around 150 events such as this and make extensive use of the media to highlight our concerns and advise the public of the work we do and the outcomes we seek.

Our compliance, education and enforcement activities stand side by side - both are central to the overall goal of ensuring compliance with the Act.

ACCC Priorities & Objectives

The ACCC's compliance objectives reflect a set of general principles which have remained largely unchanged for some time now, and which I am sure many of you are well aware of:

- we promote vigorous, lawful competition and informed markets
- we encourage fair trading and protect customers.

In meeting these objectives and setting priorities it is worth noting that in the 2004-05 financial year, the ACCC Infocentre received a total of 68 231 calls, of which 43,827 complaints and inquiries related to the Act. Of these, just

5412 were escalated to initial investigation 174 then went to in depth investigation. The ACCC instituted litigation in 30 separate matters, intervened in one Federal Court matter and accepted 55 section 87B undertakings.

In the face of these numbers it's a fact of life that the ACCC does not have unlimited resources and therefore needs to be selective.

The ACCC has therefore had a consistent position of being selective in its choice of enforcement actions involving litigation and of giving priority to cases which are best likely to improve overall compliance with the Act.

The kinds of things that influence the ACCC in our decision making when potentially unlawful conduct is detected and investigated include:

- whether the conduct involves a blatant disregard of the law
- whether the person, business or industry has a history of previous contraventions of competition or consumer laws
- the detriment caused by the conduct and avenues available to redress that detriment
- whether the conduct is of major public interest or concern
- whether the conduct is "industry wide" or is likely to become widespread if the ACCC doesn't intervene
- the potential for action to educate and deter future conduct

Blended into these factors as an important consideration is the compliance culture of a firm.

When a firm is on the ACCC's radar and facing a serious investigation, then some consideration of its past and current compliance culture is an important consideration for us.

A pattern of non-compliance points to a company ignoring its obligations to comply with the Act or a company exhibiting a serious compliance system failure which may not be being recognised nor addressed.

When the ACCC does decide to act we have a range of approaches we can take, from a simple administrative arrangement to detailed litigation. In certain cases negotiating an outcome will be more appropriate than litigation.

But litigation remains the very sharp end of the ACCC's enforcement action.

We institute court proceedings when we believe they will bring about an effective result. If a company finds it is the focus of the ACCC's enforcement activities, it can expect quick, tough, unrelenting court action.

As the South Australian Solicitor-General Chris Kourakis put it at a conference organised by the ACCC in 2003:

> *"Negotiation and mediation alone cannot work. In the business world decisions as to whether to comply with the law are much more likely to proceed on a calculated cost benefit analysis than is the case for most*

other law breakers….Litigation has the effect of education, change of culture and specific and general deterrence."

Litigation is necessary where we need to have a court declare certain conduct unlawful, so we can put an end to that conduct. It is also a useful tool to reinforce that particular anti-competitive behaviour will be not be tolerated within an industry.

The ACCC will not hesitate to act when business ignores or deliberately flouts its obligations under the Act and the most recent statistics back this up.

Litigation commenced & undertakings accepted:

	02/03	**03/04**	**04/05**
First instance litigation	39	22	30*
Undertakings	29	33	55
Total	69	55	85

** The ACCC intervened in a matter before the Federal Court taking the total number of matters litigated to 31 for the 2004/05 financial year.*

Whilst litigation is an integral part of the ACCC's enforcement action, in certain cases negotiating an outcome is more appropriate particularly when it provides much quicker relief for consumers.

It's no secret that the ACCC has made greater use of section 87B court enforceable undertakings.

In the 55 section 87B undertakings accepted during the 2004/05 financial year the ACCC has been able to:

- elicit quicker responses from traders in breach of the law
- put firms on the radar for future monitoring. This means we can more easily identify recidivist offender that is those with a culture of non-compliance who warrant litigation in future matters
- obtain restitution of consumer damages for example refunds in the Pest Free and Tyco ADT Security matters
- initiate more innovative responses than would be provided by the Court after pursuing lengthy litigation. The most recent example of this is the $8million fund to educate consumers about the detrimental effects of smoking low yield tobacco cigarettes
- establish a foundation for better compliance in the future. This has been done by improving and clarifying the ACCC's requirements in relation to compliance programs. The ACCC has adopted a systematic review process to ensure that compliance programs are effective and are properly followed through.

The greater use of section 87B undertakings has lead to more efficient and timely outcomes for consumers and in some instances reduced the extent of consumer harm or detriment. I expect the ACCC will continue to be innovative in bringing about better outcomes in a timelier manner for consumers.

Examples of the more notable undertakings recently accepted by the ACCC included those from Flight Centre which forced a change in its marketing including the abandonment of its well established slogan and using a major industry player to deliver a broader educative message as happened with Berri Fruit Juice matter.

ACCC's modus operandi

Over the past 18 months we have implemented quite significant changes to our internal processes and the way we manage our legal budget.

These changes are aimed at making best use of our resources by imposing greater discipline on our enforcement and litigation activities in seeking meaningful and cost effective outcomes.

In short, our aim is to ensure our enforcement activity is better targeted more sophisticated, efficient and relevant.

These internal processes have concentrated on two key areas:

- better data management and information systems to identify trends, prioritise investigations and promote efficient use of our resources
- systems and processes to ensure greater control over our management of legal services and our relationship with law firms.

The most significant change at management level has been the introduction of a relatively sophisticated matters management system.

The matters management system relates not just to those matters that have developed into a serious investigation, but also the several hundred matters under initial investigation.

Given we are a national organisation with regional offices operating in every state and territory, the system enables our senior management throughout the country to have a very clear view as to the progress of every investigation, to control the progress of that investigation, to see where there might be bottlenecks or blockers occurring in the process so as to ensure that the enforcement process is operating as efficiently, smoothly and quickly as we can make it.

One advantage of this system is that it has enabled us to do what you might call a "continuous stocktake" of our existing investigations and cases, and clean out a number of matters which had either dragged on too long or which we see as marginal in terms of outcomes given the resources applied.

Another important development has been the creation of a Litigation Committee to work in tandem with the ACCC Enforcement Committee.

All of us are well aware of the capacity for litigation to stretch out, sometimes for many years. The time frames that are taken to deal with litigation can then diminish significantly the impact of the ultimate litigation result—that is, the court orders finally handed down.

The Litigation Committee assists the ACCC in ensuring that its litigation and tribunal work is conducted to the highest standards. This includes making sure that its claims are clearly articulated and able to be readily understood by the court. It also requires that the orders we seek are the most appropriate given the particular circumstances of a matter.

So our litigation is also under very stringent controls, as to budgetary expenditure, monitoring expenditure on litigation and controlling the actions themselves.

As I said earlier, we don't have unlimited resources for litigation – so, stating the obvious, money we spend on one case, is less money we have available for other cases. By more tightly controlling what we spend on litigation, we are ensuring we are better resourced to take on the more important and complex matters.

Priorities in enforcement & compliance
In terms of areas of conduct, it is useful to reflect on three key areas - restrictive trade practices, consumer protection and unconscionable conduct.

Part V matters remain on top of the list in terms of the number of first instance litigation and matters resolved through undertakings. In fact, during the past financial year they accounted for 81 percent of all enforcement matters resolved.

Breakdown of litigation commenced & undertakings accepted:

	Part IV	Part IVA	Part V	Total
04/05	12 (14%)	4 (5%)	69 (81%)	85
03/04	13 (24%)	3 (5%)	39 (71%)	55
02/03	21 (31%)	2 (3%)	46 (66%)	69

Part IV restrictive trade practices
The focus in Part IV matters remains, as always, on areas of high economic and consumer detriment. That conduct includes:

- cartels – price fixing, bid rigging, market sharing
- resale price maintenance
- clear or blatant misuse of market power involving large powerful corporations
- horizontal or vertical arrangements where there is significant impact on the competitive process
- secondary boycotts involving conduct with clear detriment

Part IV matters are in general more complex, and we are in the process of building up the skills base needed to deal more effectively with these matters.

In nearly all the above areas detailed investigations are occurring or have been undertaken and cases launched. The direction has been to focus on significant matters and the Compliance Division reports indicate that current investigations reflect this.

The past 12 months has in particular seen a deliberate move by the ACCC to raise the profile of our cartel investigation activity backed up by work in the field. We currently have 30 cartels under serious investigation or in litigation. That publicity has been very clearly calculated to raise the public's awareness of cartels — what they mean and the impact they have on the community at large, on the Australian economy, on consumers and, frankly, on businesses.

During that time we have developed a specific cartel unit to co-ordinate and focus our work in this area, and also to liaise with overseas agencies, given that a number of the cartels we deal with involve international conduct.

We have also developed a procurement campaign to educate those we feel are most at risk of being targeted by cartels, and who might also be able to best assist us fighting cartels - government and private sector procurement officers.

We have also endeavoured, in educating, publicity and working with business groups, to raise the corporate stigma associated with being involved in a cartel - to indicate that being involved with a cartel is not just another misdemeanour; it is a very serious offence.

While those keeping tabs on the ACCC's record in consumer matters tend to focus on the Part V or Part IVA matters, Part IV matters can be just as important. In many cases, business that breach the Part IV anti-competitive provision of the Act though such practices as price fixing, collusive tendering and bid-rigging are just as harmful to consumers, and in many cases, more so, than the worst consumer frauds.

Look for example at the recent action taken by the ACCC against the Ballarat cartel market and the $20.1 million in penalties handed out to participants there. Or the recent finding in the federal court that four companies conspired to fix prices and tenders in the Western Australian air conditioning markets.

And who are the victims here? Consumers, either directly though higher prices for items like petrol, or indirectly as business and government agencies, forced to pay higher prices through fixed tenders pass on the costs in higher prices and taxes.

It's not a coincidence therefore that the penalties for anti-competitive practices are much higher and the Act recognises the potential for more significant harm from Part IV breaches than Part V.

Sadly, participation in a cartel is still seen as an acceptable risk by some in the pursuit of corporate profits or an easy life – rather than the corporate fraud that it is. The proposed amendments to the Act that will substantially raise the penalties for offenders and the proposed introduction of criminal sanctions for cartel conduct following the Dawson Committee review of the Act, may change this calculation. The amendments demonstrate the consensus that exists about the importance of tackling cartels and the need for effective deterrence.

Which brings me to the issue of bigger penalties and criminal sanctions.

Higher civil penalties and new criminal sanctions
International and Australian experience has shown that anti-competitive conduct will not be deterred if the potential penalties are perceived by firms and their executives to be outweighed by the potential rewards. Under Australia's existing penalty regime, there was a real danger that the penalties were simply not a deterrent.

Until now, the maximum penalty, per offence, has been just $10 million for corporation and $500,000 for an individual – although as we are all aware, there was nothing to stop a company paying the penalty on behalf of the individual as well.

Under the new tougher penalties arising out of the Dawson review, the maximum civil penalties for all anti-competitive conduct for corporations will be the greater of $10 million, three times the value of the gain from the illegal conduct, or (if the gain cannot easily be determined) 10 per cent of annual turnover of the entire corporate group. That last point needs to be stressed – that is 10% of the entire group, even including businesses not directly involved in the illegal activity.

Maximum penalties for individuals will remain at $500,000 – but this will now be a penalty they cannot pass on to shareholders. Directors and senior executives caught engaging in anti-competitive conduct will lose their legal protection and will be forced to pay the penalty and their legal costs themselves.

In addition, judges will have the power to ban senior officers implicated in anti-competitive conduct from being a director or a manager of a company.

As the Australian Financial Review noted earlier this year, this puts anti-competitive behaviour like price fixing, misuse of market power and restrictive anti-competitive contracts into the league of serious Corporations Act offences, even before the expected introduction later this year of criminal penalties for hard core cartels.

Those criminal penalties will provide for jail terms for executives involved in hard core cartels of up to five years and fines of up to $220,000. The financial penalties for corporations under the criminal regime will be the same as the much tougher new civil penalties.

The ACCC accepts that criminal penalties are not appropriate in all cartel cases, and should be reserved for only the most serious cartel conduct. That is why we acknowledge the need for the guidelines as signalled by the Treasurer which require the final decision on whether to launch a prosecution to be left up to the Director of Public Prosecutions (the DPP), acting on advice from the ACCC.

The DPP will make an independent determination as to whether to prosecute a particular matter, taking into account factors such as the impact of the cartel

and the scale of detriment caused to consumers and the public and previous admissions to or convictions for cartel conduct.

As you will be aware, the standard of proof needed to secure a criminal conviction is stronger than that for a civil case, and the ACCC is therefore taking internal action to ensure our performance is able to meet this new high standard in those cases where we elect to seek a criminal prosecution.

To this end the ACCC is in the process of building its current cartel unit into a new criminal enforcement and cartel branch to develop our systems, security, evidence handling, our risk management practices; our relationships with the DPP and our relationship and dealings with defence lawyers.

We will also be reviewing our legal rights and responsibilities in regard to warrants, searches and interviews and giving a number of our staff, drawn from across the country, to receive specialised training on criminal matters.

Part V consumer protection

When it comes to consumer protection the ACCC's priority remains to target misleading and deceptive conduct, where such conduct is blatant and there is widespread detriment to consumers.

We target conduct with a national or international focus and cases where enforcement action will have a broad national educative or deterrent effect.

A very good example of this is the real estate sector where in 2003 we flagged that allegations of misleading and deceptive behaviour in the property industry – such as property investment seminars and "dummy bidding" - would be a priority for us.

As a result of extensive media interest in this announcement, and some well-honed court cases, we have seen a marked change in behaviour by the property industry.

Such campaigns are focussed on strategic litigation and the use of publicity to bring about behavioural change in a way that benefited consumers, and, we believe, business whose reputation can only be enhanced by fair and ethical behaviour.

Another example of our compliance work is the Debt Collection Guideline and consumer booklet, being launched today by the Deputy Chair of the ACCC Louise Sylvan, at the Institute of Credit Management annual conference.

Debt collection activity continues to be a significant source of complaints to the ACCC. In fact, debt collection was the first trend to emerge in the ACCC's campaign to protect disadvantaged and vulnerable consumers.

Complaints include people being repeatedly harassed to pay bills they did not actually owe, others being threatened to pay bills in full, even when they are adhering to an agreed payment plan, and demands for very old outstanding debts without any supporting evidence the debt was still owed.

The ACCC will not hesitate to act when presented with evidence of unconscionable conduct or misleading and deceptive practices by debt collection agencies.

But again, prevention is better than cure, and ensuring that breaches of the Act do not occur is better than taking enforcement action after the event so the guideline and consumer booklet we are launching today in conjunction with the Australian Securities and Investment Commission (ASIC) helps educate consumers and businesses about their rights and obligations under the Act.

Just last month Louise did the same this thing with another matching pair of publications on the jewellery industry which she launched at the Annual Jewellery Industry Trade Fair in Sydney.

That pair contains one guide for jewellers warning them to comply with the Act and another for consumers educating them about some of the dodgy practices and selling techniques they should beware of when buying jewellery including the increasing popularity of laboratory made or imitation gemstones and gemstones treated to disguise imperfections and enhance their appearance.

The guide also makes clear our concerns about the upswing in what is called 'two price advertising' where jewellery is said to be 'valued' at a particular figure and is offered at a 'special' price. This implies that consumers are making a price saving by paying less than they otherwise would, when in many cases this is not so.

Our publications make clear those who fail to comply with the law risk action being taken against them by the ACCC or fair trading agencies and put the jewellery industry firmly on notice. The ACCC expects an overall improvement in advertising and selling practices and an end to misleading, deceptive and false practices.

The ACCC is hoping the Jewellery and Debt Collection guidelines have a similar effect as our warnings to the Real Estate Industry did in relation to dummy bidding at auctions.

Consumer protection remedies

Touching on remedies in the Part V area we are also looking at our mix of cases and the remedies we seek. In the area of consumer protection we have two courses of action available to us under the Act in respect of what I will broadly call misleading and deceptive conduct.

The first is to proceed by way of civil proceedings, which has its advantages but also its limitations. It enables us to obtain orders to restrain by means of injunction the continuation of the issues that are the subject of potential breaches of the Act—to obtain, for example, corrective orders for corrective advertising, so that consumers can cease being misled—and potentially put in place compliance strategies within the offending corporation or the offending business to ensure that compliance is enabled to take place into the future.

We have been giving more serious consideration in recent times to the alternative process available to us under the Act including criminal prosecutions for breaches of the consumer protection provisions.

Criminal prosecutions do raise challenges. They affect both the process of investigation that we undertake, obviously, in terms of the admissibility of evidence, and they involve collaboration with the DPP. I am pleased to say that, in close collaboration at the most senior levels of the DPP, we have established protocols for working well with the DPP to ensure the efficiency of taking matters through to the criminal prosecution stage if that becomes appropriate.

The advantage of criminal prosecutions, as far as we are concerned, is that they have two significant impacts on offending businesses. Firstly, they create a criminal record, which has enormous implications for business, such as making it very difficult to get work from government or get insurance contracts. In the case of an individual it also, just to choose one example, makes it ineligible for you to ever travel to the USA on their visa waiver programme. Secondly, they do enable us to secure financial penalties, which is not available under the civil prosecution process.

Criminal prosecutions are being contemplated for breaches of the consumer protection provisions in cases where we can see deliberate fraud, where consumers have been deliberately defrauded, and where we believe that it is appropriate to elevate the level of prosecution to that of a criminal action.

A very good example of this is the action we took against Chubb securities for selling services such as security patrols it knew it did not have the resources to fulfil. That action resulted in fines of over $1.5 million being levied on Chubb for criminal breaches of the Act.

As I said at the time, the ACCC will not hesitate to use its power to seek criminal remedies for consumer protection breaches in appropriate cases where there has been deliberate, reckless behaviour causing significant harm to consumers.

The internet and the increasing popularity of e-commerce has also made Australia an increasing target for various consumer frauds operating from overseas.

The ACCC will continue its focus on enforcement in this area. In doing so it will utilise cooperation agreements with overseas regulators. In May this year, the Full bench of the Federal Court upheld a finding that a Gold Coast company was part of an international pyramid selling scheme based on the internet.

The scheme is fragmented, with a company in the British Virgin Islands having overall control, and service companies contributing to the scheme operating from Britain, Gibraltar, the Netherlands Antilles and Australia. Consumers

recruited into the scheme came from a number of countries, including Canada, the United Kingdom and Norway.

Importantly, despite the fragmented international nature of the scheme, the Court found it had still breached the Act and that Australian companies taking part in pyramid selling schemes were acting illegally. These types of cases are important in testing jurisdictional issues in Australian courts and enhancing our operational arrangements with overseas regulators, including through ICPEN (International Consumer Protection and Enforcement Network) in a common objective to stop such conduct.

Consumer protection focus

In addition to establishing improved databases and systems for our enforcement activities, we have, in the consumer protection area, also fine tuned our focus. We have cleared the decks and are continuing to do so, in respect of what I would call local consumer protection matters.

Through a process of consultation and collaboration with state and territory consumer affairs bodies we are selecting and carefully moving a number of the local consumer affairs matters to the state consumer affairs bodies, where they are more appropriately dealt with. This enables the national regulator to focus its resources on matters of significant national importance and of significant, widespread consumer detriment.

The states and territories are also working on processes to enable them to take collaborative action in relation to conduct which crosses one or more state borders.

The ACCC strongly supports the implementation of the national Auzshare consumer complaints database and we encourage all our state counterparts to get on board and fully realise its potential.

For our part, the ACCC will work together with state consumer protection bodies – they are willing and capable and we will continue to refer matters to them for their consideration.

However, the ACCC will monitor this process, and if there is any sign of resistance or if the states do not have the resources to act, because, for example, it's found the matter has widened to involve more national conduct, we will undertake enforcement actions ourselves.

Of course, this move simply reinforces the long standing focus of the ACCC's enforcement action – areas of widespread consumer detriment.

And it in no way alters the principles guiding our enforcement action – to stop consumer harm as quickly as possible and where possible bring about restitution for consumers, but most of all, bring about compliance with the Act.

Unconscionable Conduct, Small Business & Franchising

The ACCC has long recognised that small business doesn't have the same sort of resources as big business to address education and compliance and

for some time now we have had a dedicated small business unit within the ACCC to focus on the sector.

We hold over 1,000 meetings with small business every year and have launched a “Competing Fairly Forum” to help educate small business in rural areas about the rights and responsibilities.

Just as important is ensuring we manage small business expectations of what we can, and can’t achieve – what we refer to in the ACCC as the small business expectations gap.

For the past 5 years, the ACCC has put significant effort into tackling unconscionable conduct against both consumers and small business.
In recent months the ACCC has moved to prioritise investigations covering hard fraud cases in the franchising area.

The success of franchising has attracted a number of unscrupulous operators looking to capitalise on the spectacular growth in the sector by deceiving potential small business owners with offers of bogus or unworkable small business 'opportunities'.

As a consequence the ACCC is already examining a number of different scenarios which we believe are criminal and are taking steps to not only shut down the perpetrators but, where possible, to also impose criminal sanctions.

This is just one area we are targeting. But the diverse nature of small business, and rapid change, such as has occurred with the explosive growth in franchising in recent years, again makes this an area where we have to constantly reassess our compliance enforcement mix.

Product safety
Finally I’d like to turn to the area of product safety.

As you know, the ACCC has always placed a high priority on consumer product safety and taken its role in enforcing the product safety provisions of the Act very seriously. The ACCC is responsible for enforcing product safety standards and bans and frequently conducts random surveys of retail outlets across Australia to detect products that do not comply with the mandatory standards or which have been banned.

In the 2004-05 financial year the ACCC conducted 40 surveys covering 15 mandatory standards, as well as undertaking another 16 surveys to detect any banned goods in the market place. As a result of this action, 12 different products were withdrawn from sale or recalled. Three court orders were obtained in relation to breaches of mandatory safety standards for vehicle jacks, trolley jacks and elastic luggage straps, while the ACCC also accepted seven court-enforceable undertakings providing for the recall of products and the implementation of trade practices compliance programs.

These surveys highlight that the ACCC does not wait for injuries or deaths to be reported before acting to get rid of hazardous products. Indeed, the best

possible outcome for us is to remove dangerous products before anyone is hurt.

Our role in the area of product safety was further enhanced late last year with the transfer from Treasury to the ACCC of direct responsibility for product safety. The ACCC is now responsible for not only enforcing product safety regulations, but also for advising government about what regulations are needed, and what form they should take.

A new standard for basketball backboards and rings was launched just this week to try to prevent further tragedies which have seen three boys killed and another maimed when improperly secured hoops brought down brick walls. The ACCC is also currently working on a review of the mandatory standard for children's cots, amendments to tobacco health warning labelling regulations and a review of the Trade Practices Act standard for child restraints in motor vehicles.

The Consumer Product Safety Standard for Baby Bath Aids was the first mandatory standard developed by the ACCC under its new product safety responsibilities. This Standard, and the education campaign which accompanied it, reflect the fact that it is not always products themselves, but rather the manner in which they are used, which poses a danger to consumers. This is frequently the case with products that are used by children.

Our new publication, 'Keeping Baby Safe,' which I am launching here today, recognises this. Nursery furniture and equipment has been associated with more than 20 per cent of injuries suffered by babies in their first year of life. Prams and strollers, high chairs, baby walkers, bouncinettes, change tables and cots have all been linked to child injuries, while cots, prams and strollers have been associated with child deaths.

Keeping Baby Safe identifies some of the high risk products for babies. It offers tips on what to look for before you purchase these products and tips to create a safe home environment, including supervising their use and ensuring that baby furniture and equipment are well maintained and remain safe for your child.

I am pleased to take this opportunity to officially launch this guide to safe nursery furniture and equipment before all of you here today and invite you to take a copy as you leave this session.

Conclusion

As I said at the outset, the ACCC would much prefer business did the right thing by complying with the Trade Practices Act in the first place, rather than us having to come in and try to undo the damage after the event.

That is why we appreciate the work of compliance professionals and welcome the close co-operation we have with your members.

But as I’ve also demonstrated here today, proposed tougher penalties including criminal sanctions, recent internal changes, and increased funding for litigation mean that where breaches occur, the ACCC is now much more focussed and better prepared to take on those who ignore our advice and flout the law.

It is a message everyone in business can no longer ignore.

Thank you for your invitation to speak here today, and I trust we will continue to work together to promote compliance with the Act for the benefit of all Australians.