



**ENGINE**

# **ACCC BUSINESS STAKEHOLDER 2019 SURVEY**

## **Research Report**

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Australian Competition and Consumer Commission (ACCC)

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# 1 EXECUTIVE SUMMARY

As a Commonwealth regulator, the ACCC is required to implement the Australian Government's Regulator Performance Framework (RPF), which commenced on 1 July 2015 and involves measurement against six key performance indicators (KPIs). These KPIs are:

KPI1 - Regulators do not unnecessarily impede the efficient operation of regulated entities

KPI2 - Communication with regulated entities is clear, targeted and effective

KPI3 - Actions undertaken by regulators are proportionate to the regulatory risk being managed

KPI4 - Compliance and monitoring approaches are streamlined and coordinated

KPI5 - Regulators are open and transparent in their dealings with regulated entities

KPI6 - Regulators actively contribute to the continuous improvement of regulatory frameworks.

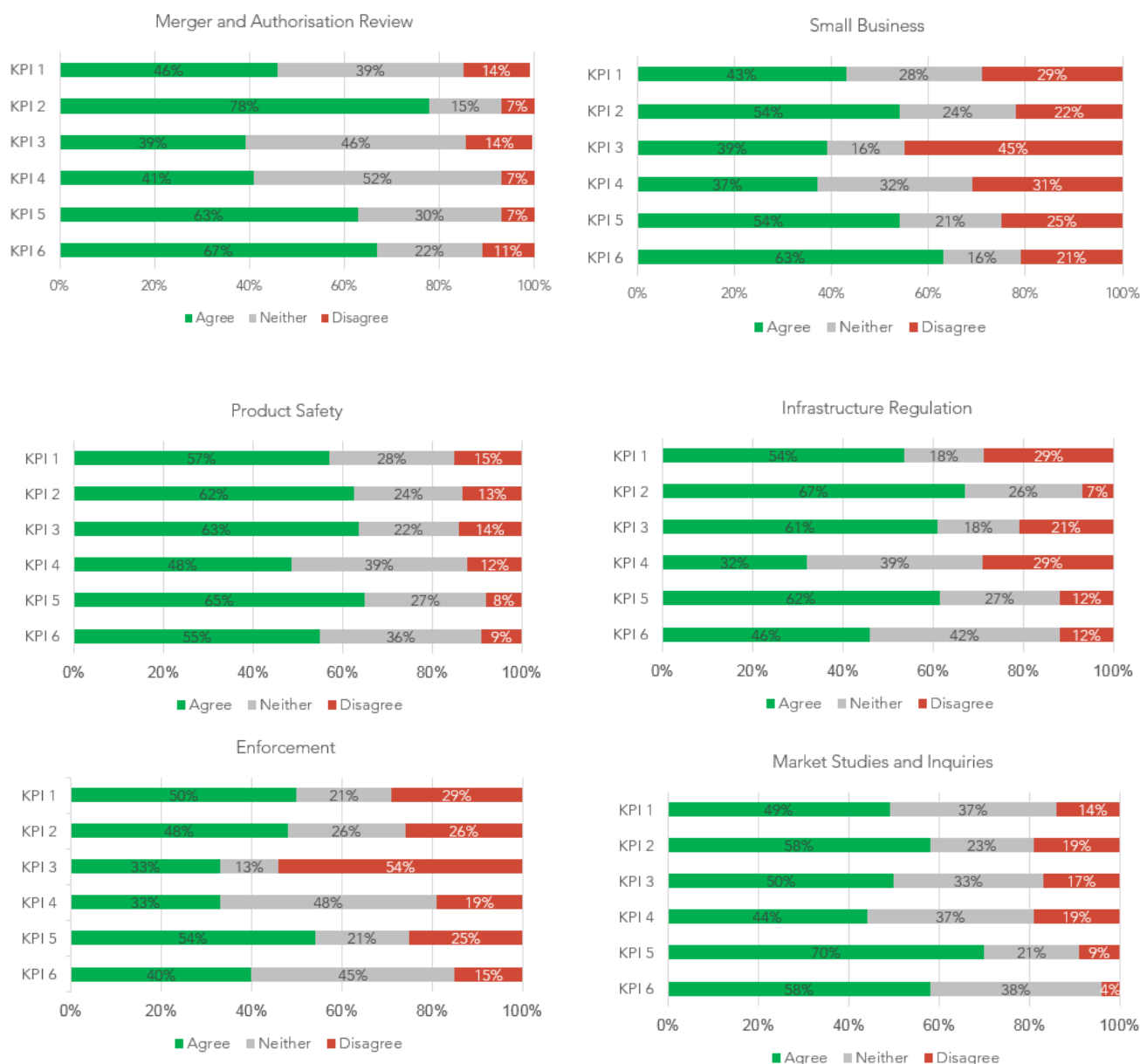
The KPIs focus primarily on regulators' interactions with businesses that are subject to regulatory processes (rather than other stakeholders such as consumers and businesses that benefit from the actions undertaken by regulators). Therefore, the ACCC commissioned Engine to conduct a survey seeking the views of businesses that have had substantial interaction with the ACCC in the previous 12 months in at least one of the following six core functional areas:

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

Overall, 1194 people were invited to participate in the survey and 297 responded, achieving a response rate of 25%. As discussed on page 11, the final sample size (i.e. number of completes) was lowest for Enforcement with 25 participants (a response rate of 21%), followed by Infrastructure Regulation with 28 (a response rate of 31%) and Merger and Authorisation Review with 29 (a response rate of 26%). This means that results for these functions should be interpreted with some caution. Small sample sizes can also make it challenging to detect actual changes year on year, as the change needs to be very large for it to be statistically significant (which is particularly relevant for interpreting results in Figure 2 below).

The six charts in Figure 1 summarise the results by function areas across the six KPIs. The green bar shows the percentage of survey respondents who 'strongly agree' or 'agree' that the ACCC is achieving the KPI. The grey bar represents 'neither agree nor disagree', while the red bar is the combined 'disagree' and 'strongly disagree' score.

**Figure 1: KPI summary charts by function area, 2019**



<p><b>KPI 1:</b> The ACCC does not unnecessarily impede the efficient operation of regulated entities</p> <p><b>KPI 3:</b> The actions undertaken by the ACCC are proportionate to the regulatory risk being managed</p> <p><b>KPI 5:</b> The ACCC is open and transparent in its dealings with regulated entities</p>	<p><b>KPI 2:</b> The ACCC's communication with regulated entities is clear, targeted and effective</p> <p><b>KPI 4:</b> The ACCC's compliance and monitoring approaches are streamlined and coordinated</p> <p><b>KPI 6:</b> The ACCC actively contributes to the continuous improvement of regulatory frameworks</p>
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The results presented in Figure 1 show that, in general, substantially more of the ACCC's business stakeholders agree than disagree that the ACCC is achieving each KPI across the six core ACCC functions.

Results were very strong for all six KPIs for the **Merger and Authorisation Review** function, especially for KPI2 with 78% agreeing that the ACCC is open and transparent in its dealings with regulated entities and only 7% disagreeing.

The **Small Business** function achieved good results for four of the KPIs. However, more respondents disagreed (45%) than agreed (39%) that the actions undertaken by the ACCC are proportionate to the regulatory risk being managed (KPI3); and only slightly more agreed (37%) than disagreed (31%) that compliance and monitoring approaches are streamlined and coordinated (KPI4).

Results were very strong for all six KPIs for the **Product Safety** function, with 48% or more respondents agreeing that the ACCC is achieving each KPI, and only 15% or fewer respondents disagreeing.

The **Infrastructure Regulation** function achieved good results for five of the KPIs. The one exception was KPI4, with only 3% more respondents agreeing (32%) than disagreeing (29%) that the ACCC's compliance and monitoring approaches are streamlined and coordinated. As the result for KPI4 for the Infrastructure regulation function was also poor in the 2018 survey, we asked for additional information to investigate what might be driving this result. Six respondents provided detail (refer to pages 46-47).

In general, the results for the **Enforcement** function are not as strong as for the other ACCC functions. This could be expected given that these survey participants have been subject to investigation, and, in many cases, had enforcement action taken against them for alleged contraventions of the Competition and Consumer Act and Australian Consumer Law over the previous 12 months. Nevertheless, the results for five of the KPIs were good. The clear exception was KPI3, with substantially more respondents disagreeing (54%) than agreeing (33%) that the actions undertaken by the ACCC are proportionate to the regulatory risk being managed.

The **Market Studies and Inquiries** function received good results, with 44% or more respondents agreeing that the ACCC is achieving each of the six KPIs, and less than 20% of respondents disagreeing.

The next series of charts in Figure 2 present the net score results since 2016 for all function areas (where applicable). The net score is calculated by subtracting the percentage of respondents who disagreed and strongly disagreed that the ACCC is achieving the KPI (i.e. the result shown in red in Figure 1) from the percentage of respondents who agreed and strongly agreed the ACCC is achieving the KPI (i.e. the result shown in green in Figure 1).

The net scores achieved in 2019 are represented by blue bars, with the preceding three years' net scores listed alongside in columns. As previously noted, caution should be exercised in drawing conclusions from changes in results due to the small sample sizes, except where the commentary notes that the change is statistically significant.

For the **Merger and Authorisation Review** function area, compared to 2018, two net scores improved and four decreased.

For the **Small Business** function area all six net scores decreased since 2018, with the change being statistically significant for KPI 1, KPI 2 and KPI 3.

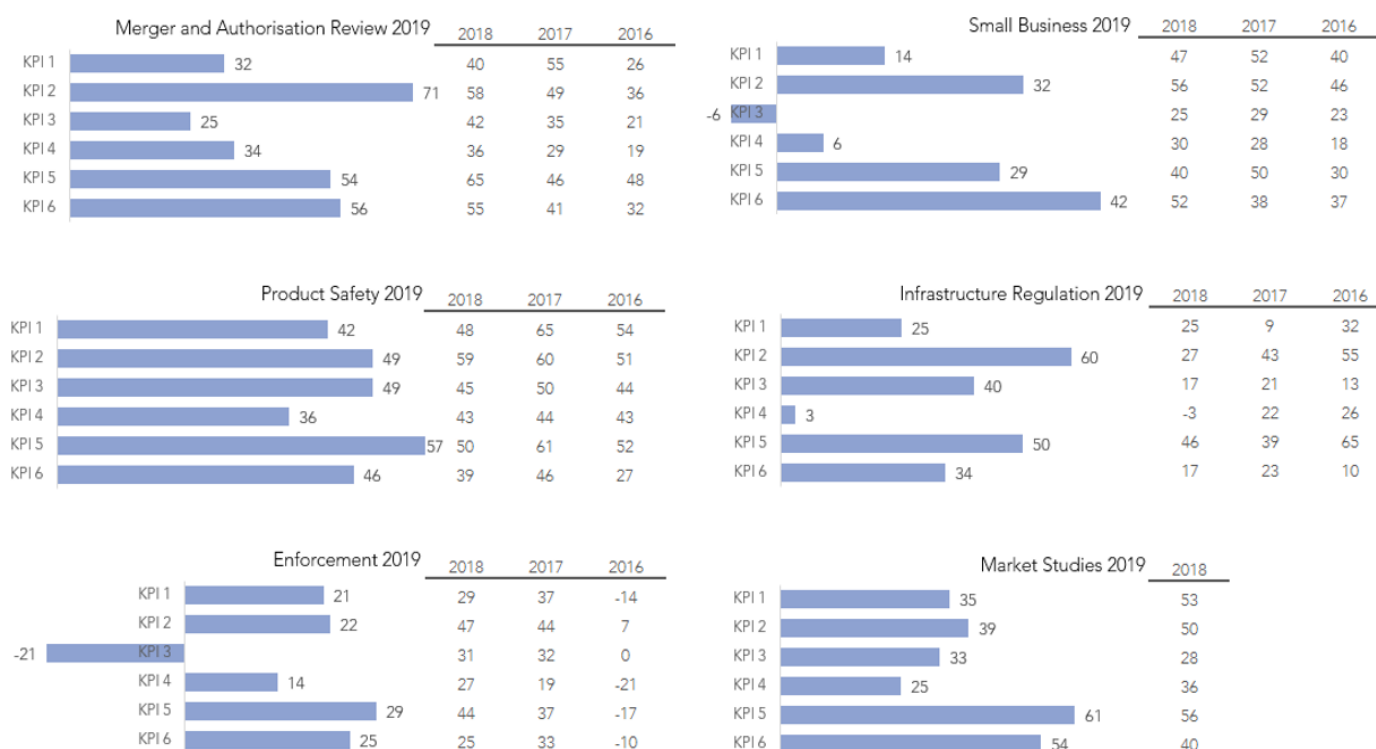
Compared to 2018, three of the KPI net scores for the **Product Safety** area increased and three decreased. It is worth noting that, out of the ACCC's six function areas, the Product Safety area maintained the highest net scores for KPI 3 and KPI 4 in both 2018 and 2019.

Five net scores were higher in 2019 than 2018 for the **Infrastructure Regulation** area, and KPI1 was unchanged.

Decreases from 2018 were apparent in the **Enforcement** area’s 2019 net scores for five of the six KPIs; however, these were not statistically significant movements due to the small sample. KPI 6 remained steady from 2018 to 2019.

Three net scores were higher in 2019 than 2018 for **Market Studies & Inquiries** while three net scores were lower, but none of the movements were statistically significant.

**Figure 2: Net score summary charts by function area and year**



### **Feedback on performance**

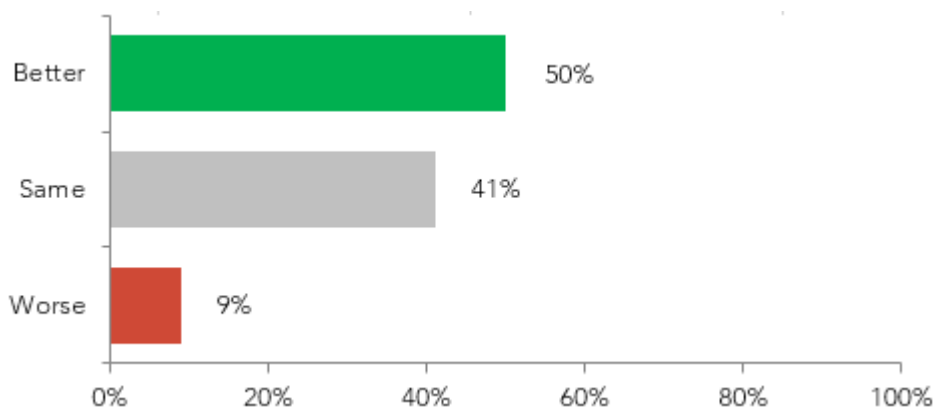
When asked for feedback on areas where the ACCC performs well, similar to last year, stakeholders maintained appreciation for positive interactions with the ACCC, including the ACCC’s level of communication, transparency, information provision and stakeholder engagement efforts, as well as the professionalism of staff.

In keeping with previous years, stakeholders made a variety of suggestions for improvement which were often quite specific to a particular situation or context. Some general overarching themes included a desire for quicker, simplified processes and for additional information, support or engagement from the ACCC.

### **Performance compared to other regulators**

When respondents were asked to rate the performance of the ACCC against the six KPIs generally, relative to other Australian Government regulators with which their business had engaged, 50% rated the ACCC as being better than other Australian Government regulators, 41% rated the ACCC as being the same as others and 9% rated the ACCC as worse than other Australian Government regulators.

Figure 3: Comparison to other regulators – All function areas combined



Q11 Thinking about the past 12 months, how would you rate the performance of the ACCC relative to other Australian Government regulators that your business has engaged with? Would you say the ACCC's performance against the six KPIs is generally better than other Australian Government regulators, the same as or worse? (n=231 who could provide a rating)

Those who rated the performance of the ACCC against the six KPIs generally as being 'worse' relative to other Australian Government regulators (n=21 respondents overall) were asked if they could provide any specific examples of practices of other regulators that the ACCC may be able to adopt to improve its performance. The general themes were that the ACCC should develop a better understanding of stakeholders' industries and operating environments, and undertake more proactive engagement.

The findings of this research by Engine will be incorporated into the ACCC's self-assessment reporting under the Regulator Performance Framework.

## 2 INTRODUCTION

### 2.1 BACKGROUND

The ACCC is an independent Commonwealth statutory authority whose role is to enforce the *Competition and Consumer Act 2010* and a range of additional legislation, promoting competition, fair trading and regulating national infrastructure for the benefit of all Australians. As a Commonwealth regulator, the ACCC is required to implement the Australian Government's Regulator Performance Framework, which has applied from 1 July 2015.

In June 2015, the ACCC released the self-assessment methodology, measures and output/activity-based evidence that it will use to assess its annual performance against the six KPIs determined by the Australian Government's Regulator Performance Framework. These KPIs have been designed to allow for the comprehensive assessment of regulator performance and their engagement with stakeholders, and comprise the following:

- Regulators do not unnecessarily impede the efficient operation of regulated entities
- Communication with regulated entities is clear, targeted and effective
- Actions undertaken by regulators are proportionate to the regulatory risk being managed
- Compliance and monitoring approaches are streamlined and coordinated
- Regulators are open and transparent in their dealings with regulated entities
- Regulators actively contribute to the continuous improvement of regulatory frameworks.

These KPIs primarily focus on regulators' actions in relation to businesses subject to regulatory processes, rather than other stakeholders such as consumers and businesses that benefit from the actions undertaken by regulators.

A key source of evidence that the ACCC uses for its self-assessment is the views of business stakeholders about whether the ACCC is achieving the six KPIs. The ACCC once again engaged Engine (previously ORC International) to conduct a survey of business stakeholders and report on comprehensive measures of performance against the six KPIs. Two qualitative responses were included which specifically sought suggestions for improvement and comments on what the ACCC was doing well.

### 2.2 TARGET AUDIENCE AND SAMPLING FOR 2019 SURVEY

The ACCC was interested in seeking the views of businesses that have had substantial interaction with the ACCC in the previous 12 months in six core functional areas. To develop this survey sample in line with privacy requirements, in early April 2019 the ACCC sent an opt-out email to stakeholders advising them of the survey, which was to be conducted online. The ACCC notification stated that, should they not object to being included (by 12 April, 2019), their contact details would be passed on to Engine.

On 18 April 2019 the ACCC provided Engine with the contact details of those businesses identified as having had an appropriate level of interaction with the ACCC over the past 12 months, broken down by the six functional areas as follows:



- **Merger and Authorisation Review:** 112 businesses and/or their legal representatives involved in merger pre-assessments and reviews, authorisation applications, notifications and Certified Trade Mark assessments.
- **Small Business:** 189 (mainly) small businesses that opted-in to receive the survey through the ACCC's small business, franchising and agriculture information networks.
- **Product Safety:** 508 businesses involved in consultation about product safety regulations, or that had been investigated in relation to possible breaches of product safety regulations, or that had been involved in product recalls and associated engagement by the ACCC.
- **Infrastructure Regulation:** 93 infrastructure businesses subject to regulation, monitoring or other formal compliance obligations.
- **Enforcement:** 119 businesses or their legal representatives that were subject to investigation for alleged contraventions of the Competition and Consumer Act and Australian Consumer Law over the previous 12 months. In many cases, they will have had formal enforcement action taken against them, including litigation.
- **Market Studies & Inquiries:** 173 businesses involved in market studies and inquiries were contacted. Market studies & Inquiries relates to the ACCC's use of its legal, economic, investigative and regulatory expertise to conduct in-depth market studies and industry reviews that facilitate greater transparency, enhance ACCC's enforcement capability and contribute to government policy. This function area was included for the first time in 2018.

## 2.3 SURVEY OBJECTIVES

The primary objective of the business surveys is to provide the ACCC with insights into the ways in which micro, small, medium and large regulated businesses perceive the ACCC's performance in administering regulation. The results will be used by the ACCC as evidence for its self-assessment reporting under the Regulator Performance Framework.

## 2.4 DATA COLLECTION OVERVIEW

The research needed to be conducted in accordance with the self-assessment methodology, measures and output/activity-based evidence descriptions published by the ACCC in June 2015.

The research design comprises a number of components as follows:

- A comprehensive survey conducted in 2016 (published under separate cover in 2016)
- A reduced short form survey (sub-set of the comprehensive survey) which was conducted in 2017 (published under separate cover in 2017).
- A repeat of the short form survey was conducted in 2018 (published under separate cover in 2018).
- A repeat of the comprehensive survey was conducted in 2019 (and is the subject of this report).

### 3 METHODOLOGY

This section of the report explains the approach taken to the 2019 research and outlines key issues related to the methodology. The project was carried out in compliance with ISO 20252 and membership requirements for AMSRO and AMSRS.

#### 3.1 QUANTITATIVE RESEARCH: COMPREHENSIVE SURVEY, 2019

Engine agreed with the ACCC's preference for the survey to be conducted online, particularly given that telephone numbers were not generally available for the sample provided by the ACCC. Further advantages of an online approach are that it is less intrusive for busy people as they can complete the survey when convenient, and can also save their answers as they go and complete at a more convenient time if required.

Engine generated unique survey links – a URL pre-programmed against an email address. Unique links allowed us to identify who had not yet completed the survey so that direct email reminders were only sent to those who had not responded over the fieldwork period.

The questionnaire that was used in the comprehensive survey in 2019 has been included at **Appendix D**. It largely replicated the 2016 comprehensive survey, with one additional function area (Market Studies & Inquiries), and the removal of function area specific (non-KPI related) questions. The same set of questions was asked of each function area.

The survey invitation and reminders that were emailed by Engine can be referred to in **Appendix E**, and the timing of these was as follows:

- Initial invitation emailed on 29 April 2019 (we note that after a mail merge error an apology was sent and the invitation re-issued)
- First reminder emailed 6 May 2019
- Second reminder emailed 10 May 2019.

In an effort to boost the response rate, where telephone numbers were available in the sample a follow up telephone reminder step was undertaken. Twenty-five hours' worth of follow up calls were made to 540 potential respondents across 13 May to 15 May and we spoke with 122 who said that they would complete survey. The final survey close date was close of business 15 May.

Overall, 297 respondents completed the online survey and on average the survey took 9 minutes and 28 seconds to complete. The overall response rate was 25%, down 3% from the 28% response rate achieved in 2018. The final sample size (i.e. number of Completes) was lowest for Enforcement (which was the area with the lowest response rate), and for Infrastructure Regulation and Merger and Authorisation Review, so the results for these functions should be interpreted with some caution. The table below details the response rate by function area.

**Table 1: Response rate by function area**

Function area	Sample provided (No.)	Completes (No.)	Response rate (%)
Merger and Authorisation Review	112	29	26%
Small Business	189	69	37%
Product Safety	508	100	20%
Infrastructure Regulation	93	28	31%
Enforcement	119	25	21%
Market Studies & Inquires	173	46	27%
TOTAL	1194	297	25%

*Response rate calculation (Completes / Sample provided = Response rate)*

Overall respondents came from a good range of businesses in terms of size and industry classification. The tables below provide the breakdown.

**Table 2: Size of business – overall**

	%
Micro business	11
Small business	22
Medium business	27
Large business	40

*DEM1 Which of the following best describes your business (or the business or group of businesses that you represent?) (n=297)*

**Table 3: Industry classification - overall**

	%
Retail trade	15
Wholesale trade	13
Professional, scientific and technical services	12
Manufacturing	11
Information, media and telecommunications	9
Electricity, gas, water and waste services	6
Transport, postal and warehousing	6
Financial and insurance services	5
Mining	3
Education and training	2
Health care and social assistance	1
Construction	1
Accommodation and food services	1
Administrative and support services	1
Other services	14

*DEM2 Which of the following industries best describes your business (or the business or group of businesses that you represent?) (n=297)*

Where percentages in this report do not add to 100% this will be due to either rounding, or just reporting 'top two' (strongly agree/agree combined) and/or 'bottom two' (disagree/strongly disagree combined) results (and not showing the 'neither agree nor disagree').

The results for rating questions exclude *'unsure/not relevant'* responses from the base and results have been recalculated to show only the views of those who provided a rating about the ACCC on a statement.

Throughout the report, analysis is conducted at the overall KPI level (and for each KPI's supporting statements) based on the top two (strongly agree + agree **in green**) and bottom two (disagree + strongly disagree **in red**). These results are provided from Chapter 4 to 9 for each of the six function areas — Merger and Authorisation Review, Small Businesses, Product Safety, Infrastructure Regulation, Enforcement and Market Studies & Inquiries.

To assist in interpreting the survey data, 'net scores' have been calculated for each KPI for each function (refer to Appendix B for a summary by function area). These scores are calculated by adding the 'strongly agree' and 'agree' scores and subtracting the 'disagree' and 'strongly disagree' scores.

Significance testing was undertaken on the differences between the 2018 and 2019 *'top two'* and *'bottom two'* results. Any differences that were statistically significant at the 95% confidence level have been noted as such.

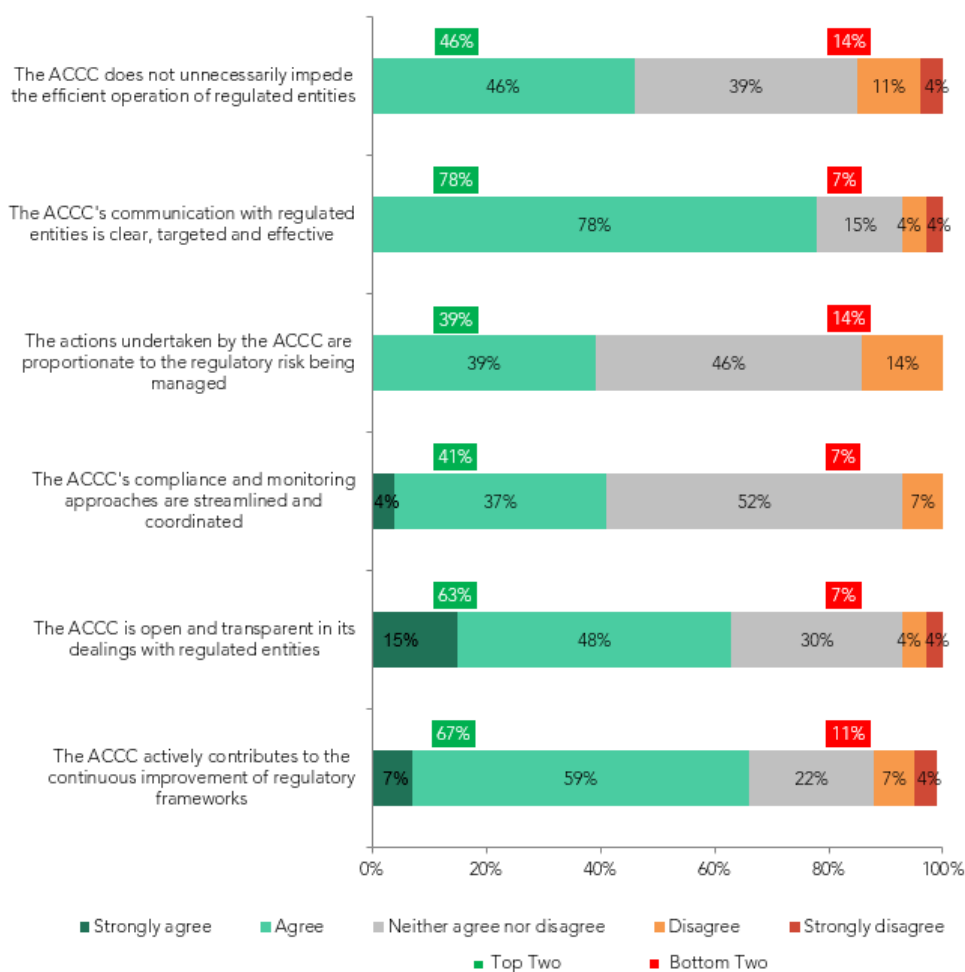
## 4 MERGER AND AUTHORISATION REVIEW

This chapter presents the key findings for the Merger and Authorisation Review function area of the ACCC across the six KPIs. The Merger and Authorisation Review function relates to the review of (proposed) mergers and acquisitions to assess whether they would substantially lessen competition; as well as review applications by businesses that wish to engage in certain anti-competitive arrangements or conduct for exemption from the *Competition and Consumer Act 2010* because those arrangements or conduct results in a net public benefit. Overall, 29 online surveys were completed from a potential sample of 112 supplied email addresses. This represents a response rate of 26%.

### 4.1 KPI SUMMARY

The following chart shows the result for the Merger and Authorisation Review function area across each of the six KPIs.

Figure 4: KPI summary chart - Merger and Authorisation Review



QA2, QB2, QC2, QD2, QE2, QF2 Thinking about the statements above as well as any other relevant factors, we would like you to rate the extent to which you agree or disagree with the following...? (unsure/not relevant responses have been excluded from the base)

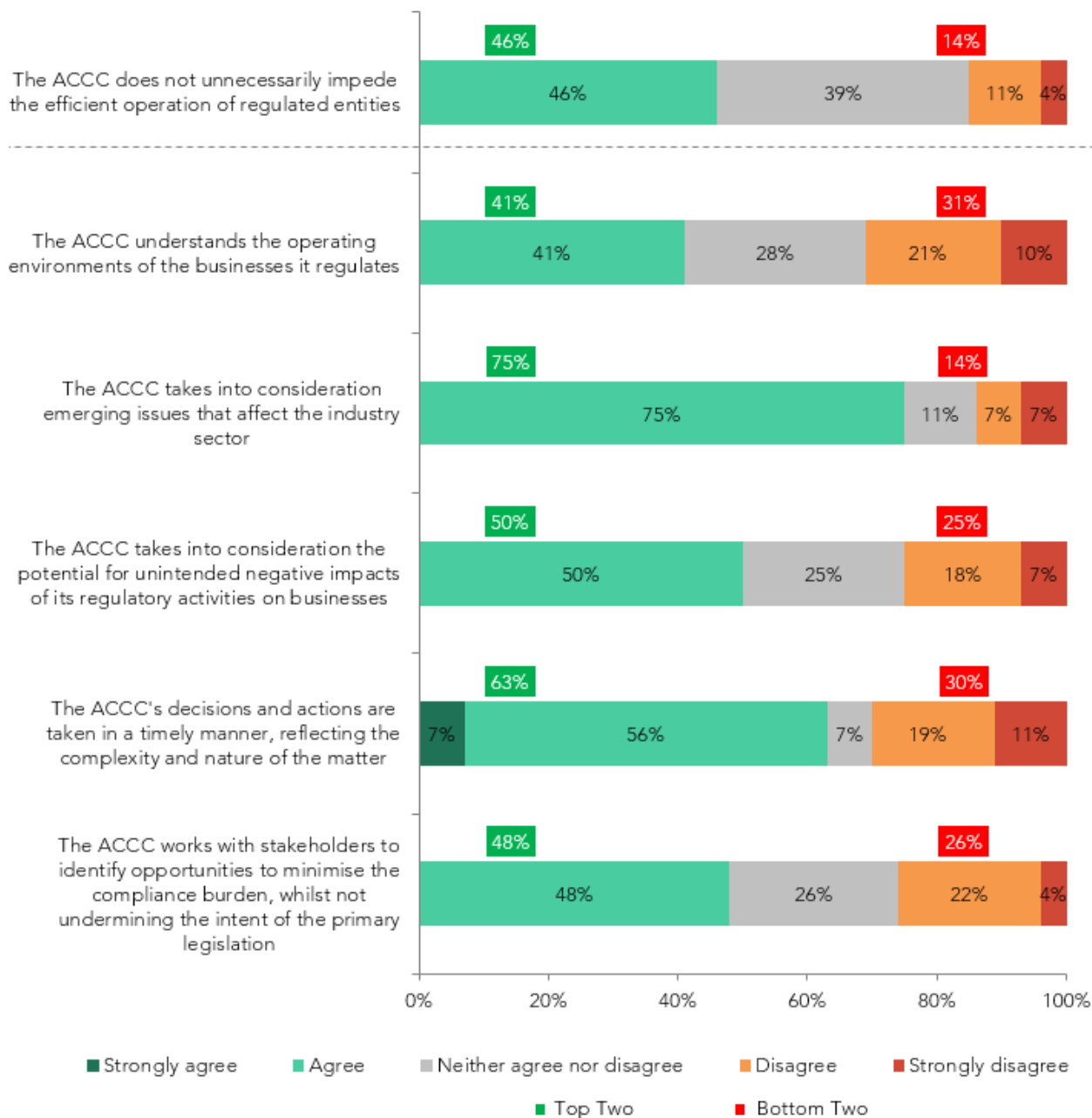
At least three times as many stakeholders agreed rather than disagreed with all six KPIs. The most positive results were for KPI 2 – the ACCC’s communication with regulated entities is clear, targeted and effective (78%), KPI 6 – the ACCC actively contributes to the continuous improvement of regulatory frameworks (67%), and KPI 5 – the ACCC is open and transparent in its dealings with regulated entities.

The charts showing the result for the Merger and Authorisation Review function across each of the six KPIs, comparing 2019 to previous years can be referred to in Appendix C. None of the changes in results between 2019 and 2018 were statistically significant.

## **4.2 KPI 1 - MERGER AND AUTHORISATION REVIEW**

The following chart shows the result for the Merger and Authorisation Review function area for KPI 1: Regulators do not unnecessarily impede the efficient operation of regulated entities.

**Figure 5: KPI 1 - Regulators do not unnecessarily impede the efficient operation of regulated entities - Merger and Authorisation Review**



QA1, Firstly thinking about your experience over the past 12 months with the ACCC concerning its Merger and Authorisation Review role, we would like you to rate the extent to which you agree or disagree with the following statements...? (unsure/not relevant responses have been excluded from the base)

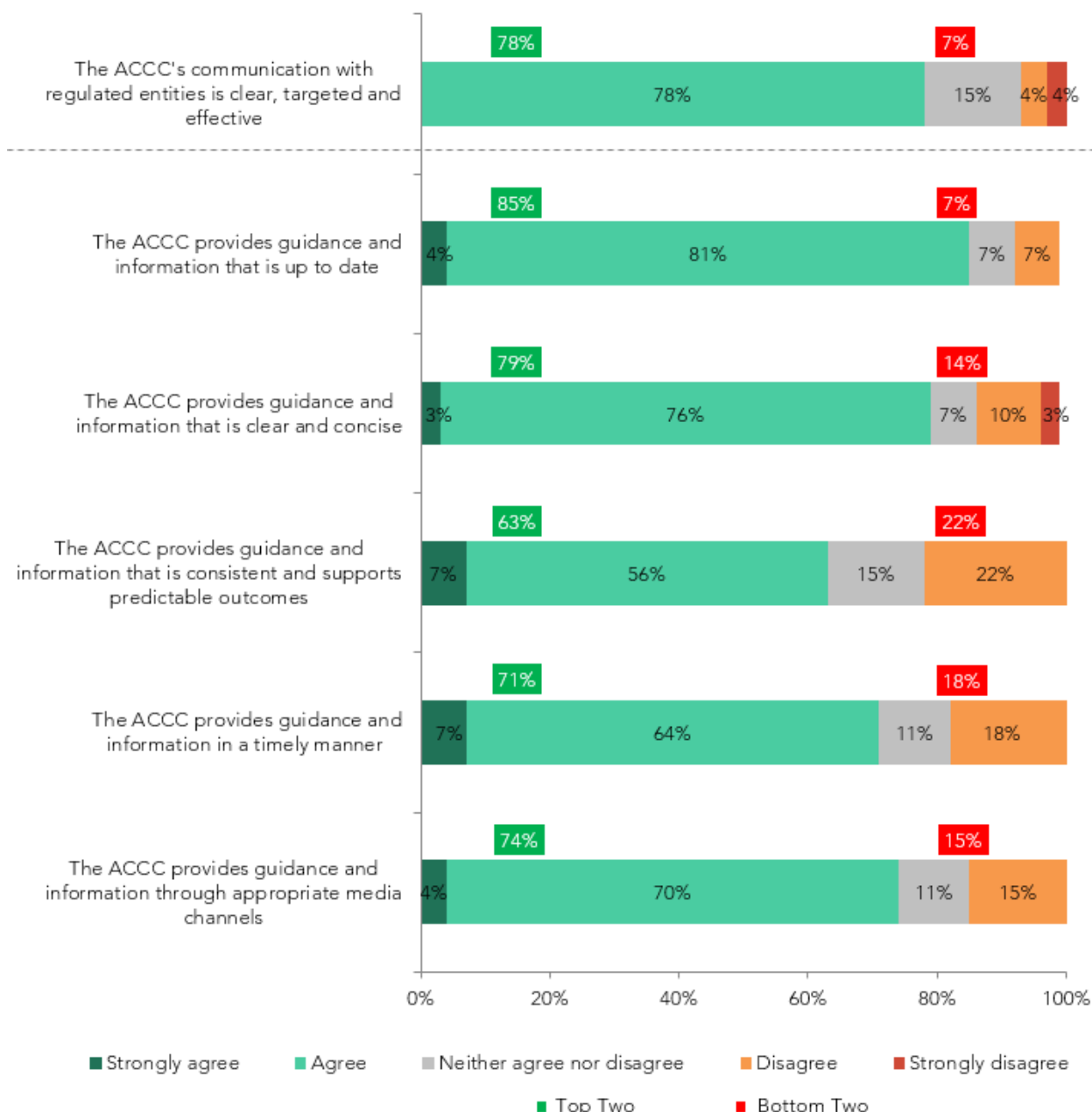
Overall 46% strongly agreed/agreed that the ACCC does not unnecessarily impede the efficient operation of regulated industries while 14% disagreed/strongly disagreed.

Merger and Authorisation Review respondents had fairly similar levels of agreement across the supporting statements as for KPI 1 overall and all results were net positive. That said, the statement *The ACCC takes into consideration emerging issues that affect the industry sector* had the highest level of agreement (75%) and the lowest level of disagreement (14%).

### 4.3 KPI 2 - MERGER AND AUTHORISATION REVIEW

The following chart shows the result for the Merger and Authorisation Review function area KPI 2: Communication with regulated entities is clear, targeted and effective.

Figure 6: KPI 2 – Communication with regulated entities is clear, targeted and effective - Merger and Authorisation Review



QBI, Once again, thinking about your experience over the past 12 months with the ACCC concerning its Merger and Authorisation Review role, we would like you to rate the extent to which you agree or disagree with the following statements...? (unsure/not relevant responses have been excluded from the base)

Overall 78% strongly agreed/agreed that the ACCC’s communication with regulated entities is clear, targeted and effective while 7% disagreed/strongly disagreed.

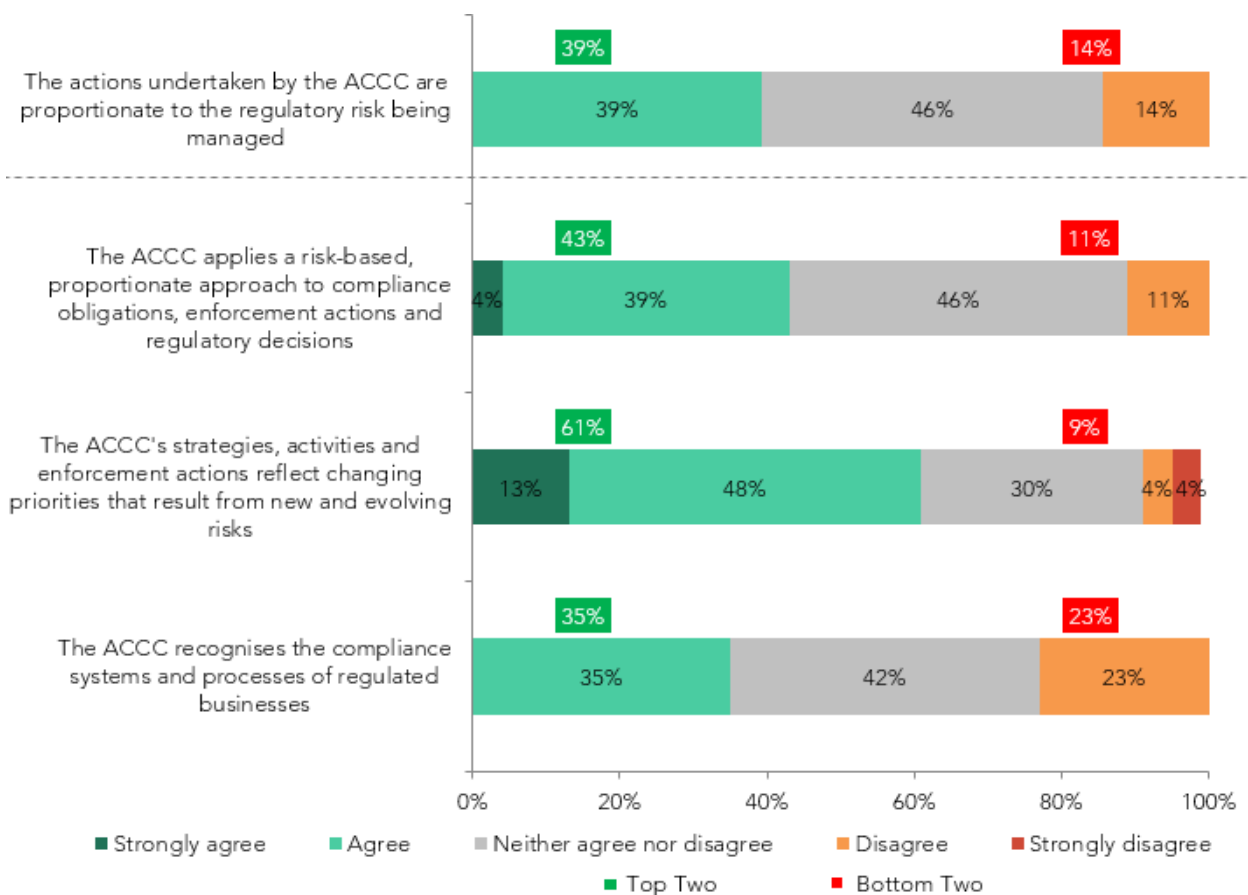


In relation to KPI 2, Merger and Authorisation Review respondents were more than two and a half times more likely to agree than disagree with all five supporting statements, and ratings were consistent with the overall result. Results were particularly strong in terms of the ACCC providing guidance and information that is up to date (85%) and clear and concise (79%).

### 4.4 KPI 3 - MERGER AND AUTHORISATION REVIEW

The following chart shows the result for the Merger and Authorisation Review function area for KPI 3 – Actions undertaken by regulators are proportionate to the regulatory risk being managed.

**Figure 7: KPI 3 – Actions undertaken by regulators are proportionate to the regulatory risk being managed - Merger and Authorisation Review**



Qc1, Once again, thinking about your experience over the past 12 months with the ACCC concerning its Merger and Authorisation Review role, we would like you to rate the extent to which you agree or disagree with the following statements...? (unsure/not relevant responses have been excluded from the base)

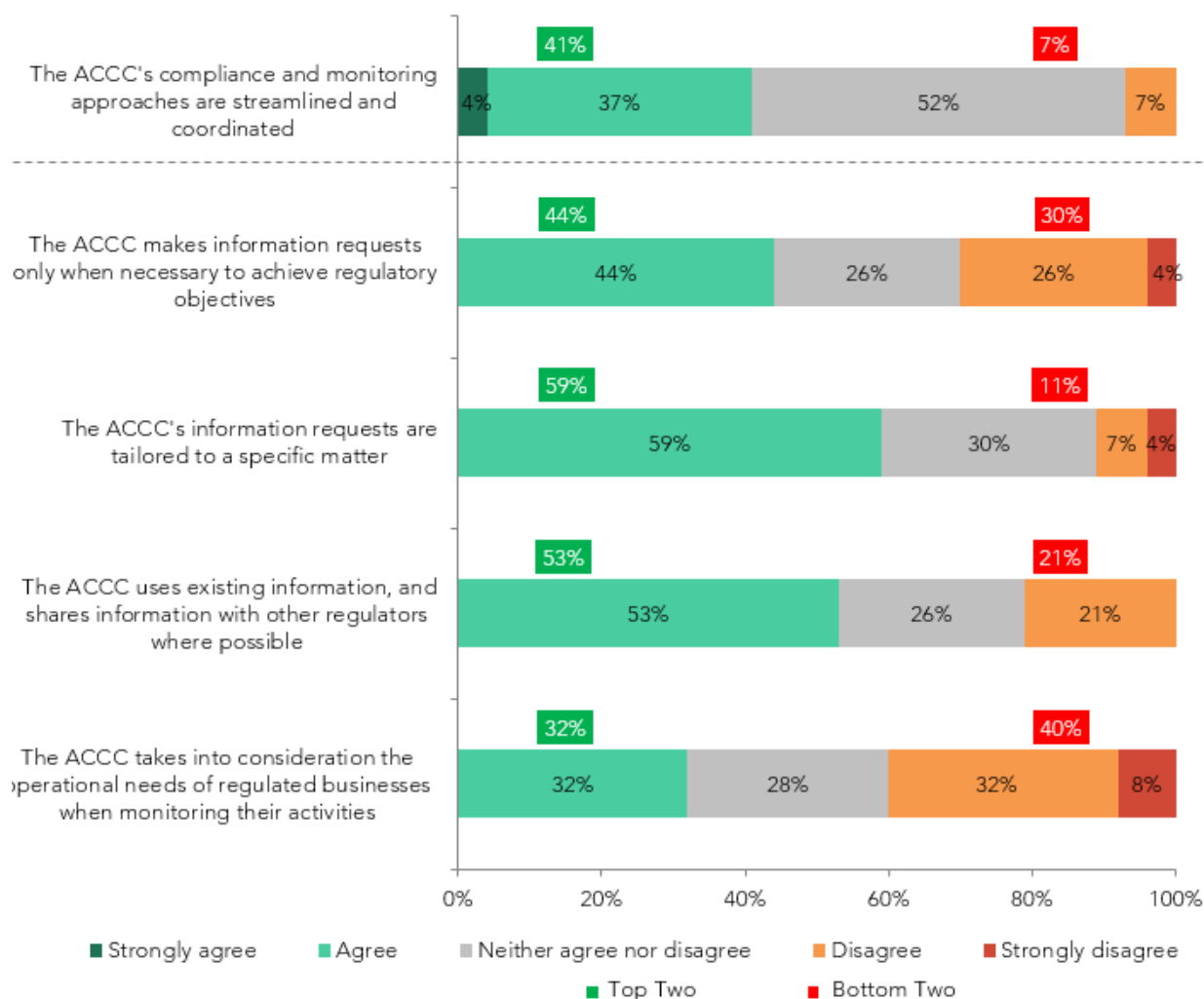
Well over a third of respondents (39%) strongly agreed/agreed that the actions undertaken by the ACCC are proportionate to the regulatory risk being managed, while 14% disagreed/strongly disagreed.

More Merger and Authorisation Review respondents agreed than disagreed to all supporting statements for KPI. They were most positive about the ACCC’s strategies, activities and enforcement actions reflecting changing priorities that result from new and evolving risk (61%).

## 4.5 KPI 4 - MERGER AND AUTHORISATION REVIEW

The following chart shows the result for the Merger and Authorisation Review function area for KPI 4 – Compliance and monitoring approaches are streamlined and coordinated.

**Figure 8: KPI 4 – Compliance and monitoring approaches are streamlined and coordinated- Merger and Authorisation Review**



*QD1, Once again, thinking about your experience over the past 12 months with the ACCC concerning its Merger and Authorisation Review role, we would like you to rate the extent to which you agree or disagree with the following statements...? (unsure/not relevant responses have been excluded from the base)*

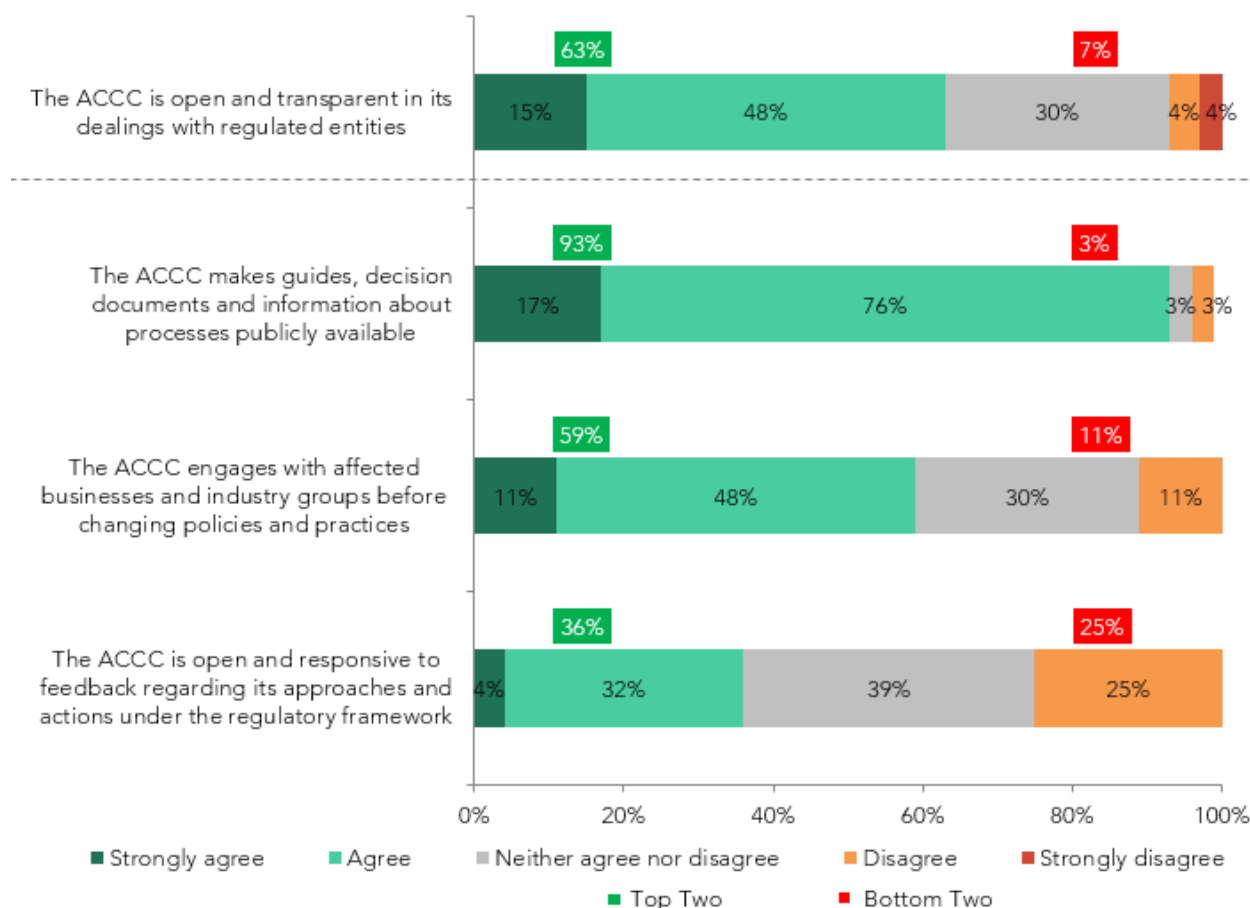
Overall 41% strongly agreed/agreed that the actions undertaken by the ACCC's compliance and monitoring approaches are streamlined and coordinated while 7% disagreed/strongly disagreed.

In relation to KPI 4, there was some variation in Merger and Authorisation Review respondents' ratings across the four supporting statements. There appears to be an opportunity to improve performance in terms of considering the operational needs of regulated businesses when monitoring their activities (40% disagreed that the ACCC did this, and the net result was negative, -8%). However, respondents thought that the ACCC did well in tailoring information requests to a specific matter (59% agreed).

## 4.6 KPI 5 - MERGER AND AUTHORISATION REVIEW

The following chart shows the result for the Merger and Authorisation Review function area for KPI 5 – Regulators are open and transparent in their dealings with regulated entities.

**Figure 9: KPI 5 – Regulators are open and transparent in their dealings with regulated entities - Merger and Authorisation Review**



*QEI, Once again, thinking about your experience over the past 12 months with the ACCC concerning its Merger and Authorisation Review role, we would like you to rate the extent to which you agree or disagree with the following statements...? (unsure/not relevant responses have been excluded from the base)*

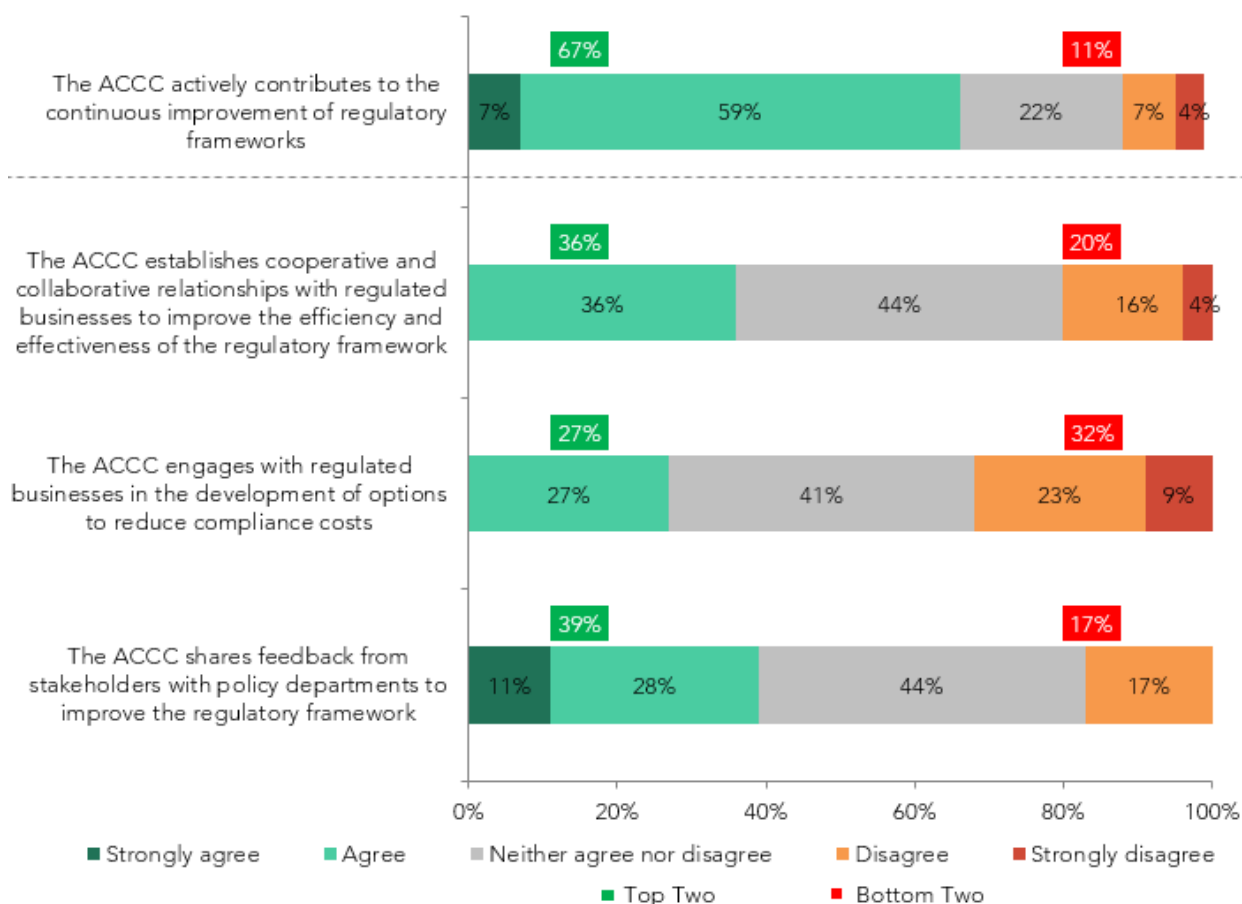
Overall 63% strongly agreed/agreed that the ACCC is open and transparent in its dealings with regulated entities, while 7% disagreed/strongly disagreed.

In relation to KPI 5, there was quite significant variation in Merger and Authorisation Review respondents' ratings across the three supporting statements. Respondents were largely in agreement that the ACCC makes guides, decision documents and information about processes publicly available (93%), whereas 36% agreed that the ACCC is open and responsive to feedback.

## 4.7 KPI 6 - MERGER AND AUTHORISATION REVIEW

The following chart shows the result for the Merger and Authorisation Review function area for KPI 6 – Regulators actively contribute to the continuous improvement of regulatory frameworks.

Figure 10: KPI 6 – Regulators actively contribute to the continuous improvement of regulatory frameworks - Merger and Authorisation Review



QFI, Once again, thinking about your experience over the past 12 months with the ACCC concerning its Merger and Authorisation Review role, we would like you to rate the extent to which you agree or disagree with the following statements...? (unsure/not relevant responses have been excluded from the base)

Overall 67% strongly agreed/agreed that the ACCC actively contributes to the continuous improvement of regulatory frameworks while 11% disagreed/strongly disagreed.

However, the level of agreement with KPI 6 overall is considerably higher than the level of agreement with the three supporting statements. This suggests that other aspects of this KPI are important to respondents, and that the ACCC's performance in these other aspects is viewed favourably by respondents.

## 4.8 FEEDBACK ON POSITIVE PERFORMANCE, AND SUGGESTIONS FOR IMPROVEMENT

Stakeholders frequently commented on the professionalism and high level of communication within the Merger and Authorisation Review area, appreciating its accessibility and "willingness to discuss matters." Furthermore, stakeholders commended the Merger and Authorisation Review area for being "transparent," "clear" and "willing to listen". Some suggested that, while their interactions with the ACCC were largely positive, the processes for making notice variations and merger decisions could be quicker, especially during

the pre-assessment stage. A few stakeholders also mentioned that there could be a little more sensitivity to the impact that compliance has on businesses.

***Any specific aspect of the ACCC's performance that we do well***

*"Communication and transparency is much improved."*

*"The communication and assistance we received in completing the collective bargaining agreement was outstanding."*

*"The ACCCs informal merger clearance process is streamlined and provides appropriate information."*

*"ACCC remedies team did a really good job negotiating a difficult undertaking; responsive to questions about substantiate issues, process and timing; worked towards commercial deadlines and within commercial constraints."*

*"The ACCC is open to meeting and discussing with parties. It won't refuse the conversation."*

***Any specific improvements you would like to suggest***

*"In some important cases though the ACCC may not react strategically or quickly enough or communicate quickly enough. The ACCC should provide more and timely information in relation to merger pre-assessments. There is now less information about ACCC decisions in merger cases than in the past and PCA's take too long to be published. The ACCC should conduct a serious review of its litigation strategy and capability in merger cases. "*

*"The time required to consider and process variations to notices."*

*"Be more efficient or streamlined."*

*"The ACCC could do more to use constructive discussions with business prior to the issue of a compulsory notice or information request to ensure it is asking the right questions and understands the compliance burden it is imposing on business."*

## 5 SMALL BUSINESS

This chapter presents the findings for the Small Business function area of the ACCC. The Small Business function relates to informing businesses of their rights and obligations under the *Competition and Consumer Act 2010* through engagement, education and the provision of specialised information. Overall, 69 online surveys were completed from a potential sample of 189 supplied email addresses. This represents a response rate of 37%.

### 5.1 KPI SUMMARY

The following chart shows the result for the Small Business function area across each of the six KPIs.

Figure 11: KPI summary chart - Small Business



*QA2, QB2, QC2, QD2, QE2, QF2 Thinking about the statements above as well as any other relevant factors, we would like you to rate the extent to which you agree or disagree with the following...? (unsure/not relevant responses have been excluded from the base)*

More stakeholders agreed than disagreed with five of the six KPIs. Almost two-thirds agreed that the ACCC actively contributes to the continuous improvement of regulatory frameworks (KPI 6, 63%). The other most positive results were for KPI 2 – the ACCC’s communication with regulated entities is clear, targeted and effective (54%) and KPI 5 – the ACCC is open and transparent in its dealings with regulated entities (54%). A net negative result was seen for KPI 3 – the actions undertaken by the ACCC are proportionate to the regulatory risk being managed.

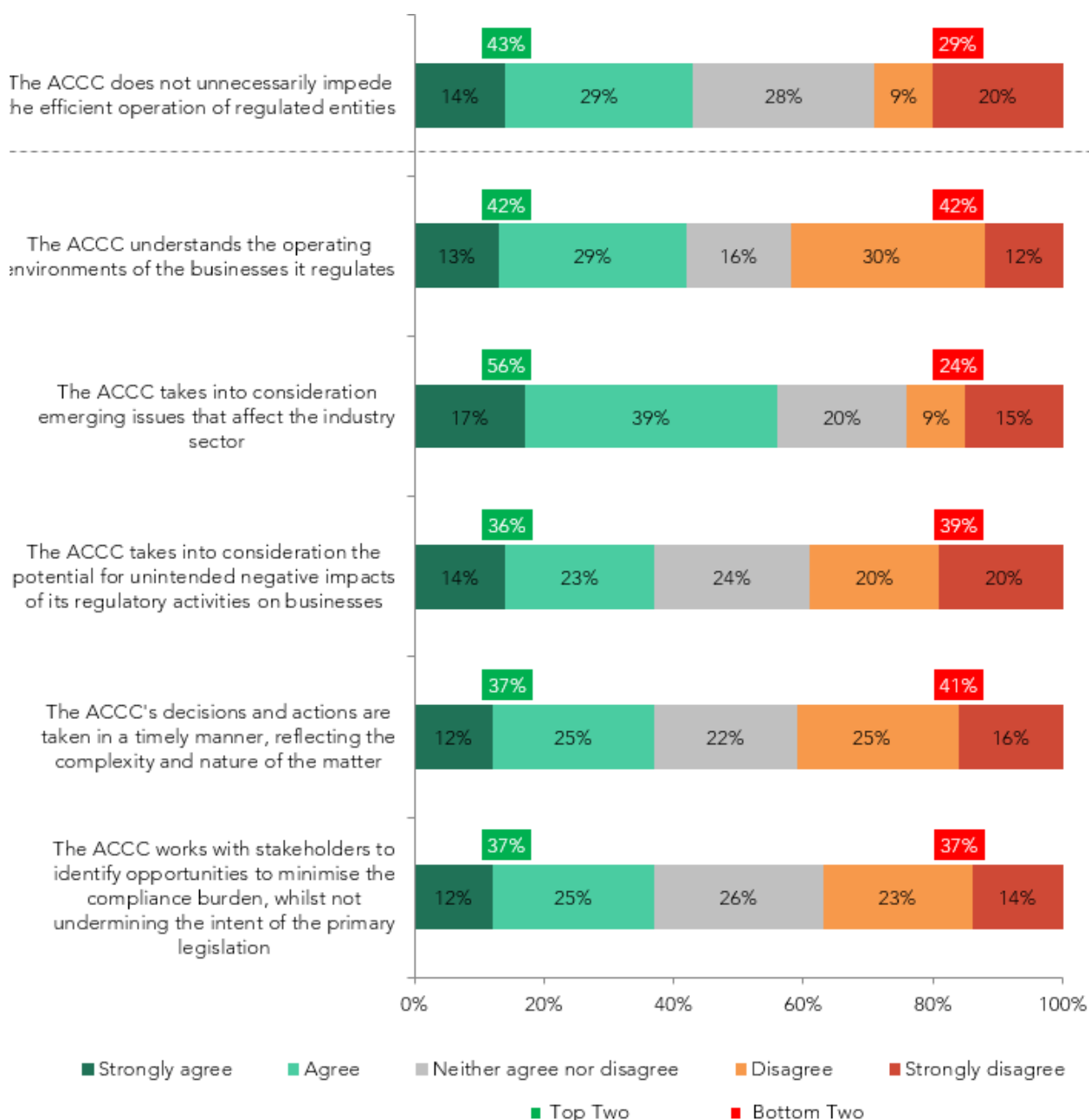
The charts showing the result for the Small Business function area across each of the six KPIs, comparing 2019 to previous years can be referred to in Appendix C.

Statistically significant changes were recorded for KPI 1 – the ACCC does not necessarily impede the efficient operation of regulated entities (43% agreement, down from 63% in 2018), KPI 2 – communication with regulated entities is clear, targeted and effective (54% agreement, down from 71% in 2018), and KPI 3 – actions undertaken by the ACCC are proportionate to the regulatory risk being managed (39% agreement, down from 56% in 2018).

## 5.2 KPI 1 - SMALL BUSINESS

The following chart shows the result for the Small Business function area for KPI 1 – Regulators do not unnecessarily impede the efficient operation of regulated entities.

Figure 12: KPI 1 - Regulators do not unnecessarily impede the efficient operation of regulated entities - Small Business



QA1, Firstly thinking about your experience over the past 12 months with the ACCC concerning its Small Business role, we would like you to rate the extent to which you agree or disagree with the following statements...? (unsure/not relevant responses have been excluded from the base)

Overall, 43% strongly agreed/agreed that the ACCC does not unnecessarily impede the efficient operation of regulated industries, while 29% disagreed/strongly disagreed.

In relation to KPI 1, it is worth noting that there was quite significant variation in Small Business respondents' agreement ratings across the five supporting statements, with one area net positive, two neutral and two negatives. There appears to be particular room to improve performance in terms of the ACCC's decisions and actions being taken in a timely manner, reflecting the complexity and nature of the matter (where 37% agreed and 41% disagreed this was the case).



Over half the stakeholders agreed that the ACCC takes into account the emerging issues that affect the industry sector (56%).

### 5.3 KPI 2 - SMALL BUSINESS

The following chart shows the result for the Small Business function area for KPI 2 – communication with regulated entities is clear, targeted and effective.

**Figure 13: KPI 2 – Communication with regulated entities is clear, targeted and effective - Small Business**



*QBI, Once again, thinking about your experience over the past 12 months with the ACCC concerning its Small Business role, we would like you to rate the extent to which you agree or disagree with the following statements...? (unsure/not relevant responses have been excluded from the base)*

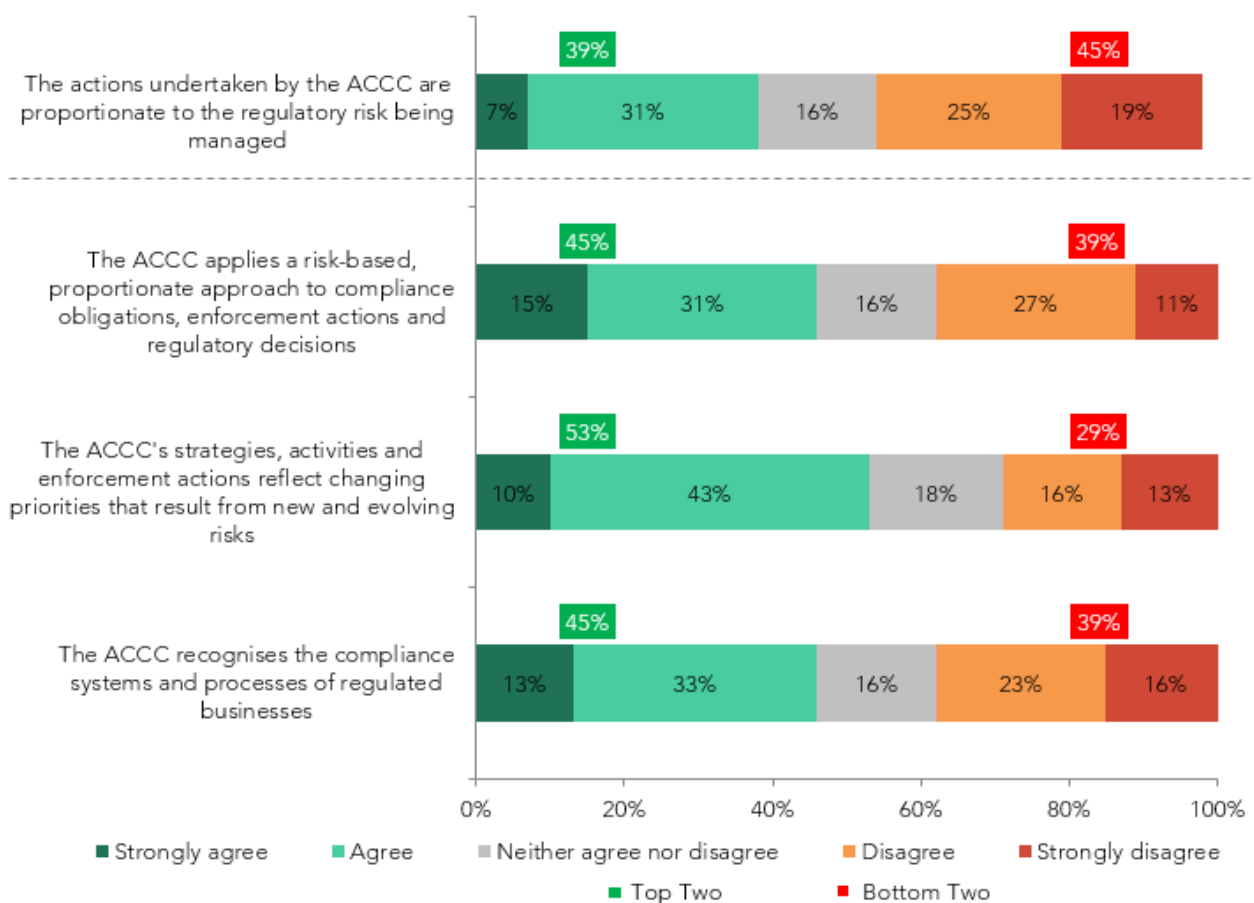
Overall 54% strongly agreed/agreed that the ACCC’s communication with regulated entities is clear, targeted and effective while 22% disagreed/strongly disagreed.

In relation to KPI 2, Small Business respondents were much more likely to agree than disagree with all five supporting statements. Results were particularly strong in terms of the ACCC providing guidance and information that is ‘up to date’ (70%) and ‘through appropriate media channels’ (69%).

### 5.4 KPI 3 - SMALL BUSINESS

The following chart shows the result for the Small Business function area for KPI 3 – Actions undertaken by regulators are proportionate to the regulatory risk being managed.

**Figure 14: KPI 3 – Actions undertaken by regulators are proportionate to the regulatory risk being managed - Small Business**



*QCI, Once again, thinking about your experience over the past 12 months with the ACCC concerning its Small Business role, we would like you to rate the extent to which you agree or disagree with the following statements...? (unsure/not relevant responses have been excluded from the base)*

Overall, 39% strongly agreed/agreed that the actions undertaken by the ACCC are proportionate to the regulatory risk being managed, while 45% disagreed/strongly disagreed.

However, Small Business respondents had fairly consistent ratings across all supporting statements for KPI 3, with respondents being more likely to agree than disagree. The results for sub-measures are better than for the overall KPI result. As this is not consistent with the overall KPI rating, it suggests that another factor could be negatively impacting the overall assessment.

## 5.5 KPI 4 - SMALL BUSINESS

The following chart shows the result for the Small Business function area for KPI 4 – Compliance and monitoring approaches are streamlined and coordinated.

Figure 15: KPI 4 – Compliance and monitoring approaches are streamlined and coordinated- Small Business



QD1, Once again, thinking about your experience over the past 12 months with the ACCC concerning its Small Business role, we would like you to rate the extent to which you agree or disagree with the following statements...? (unsure/not relevant responses have been excluded from the base)

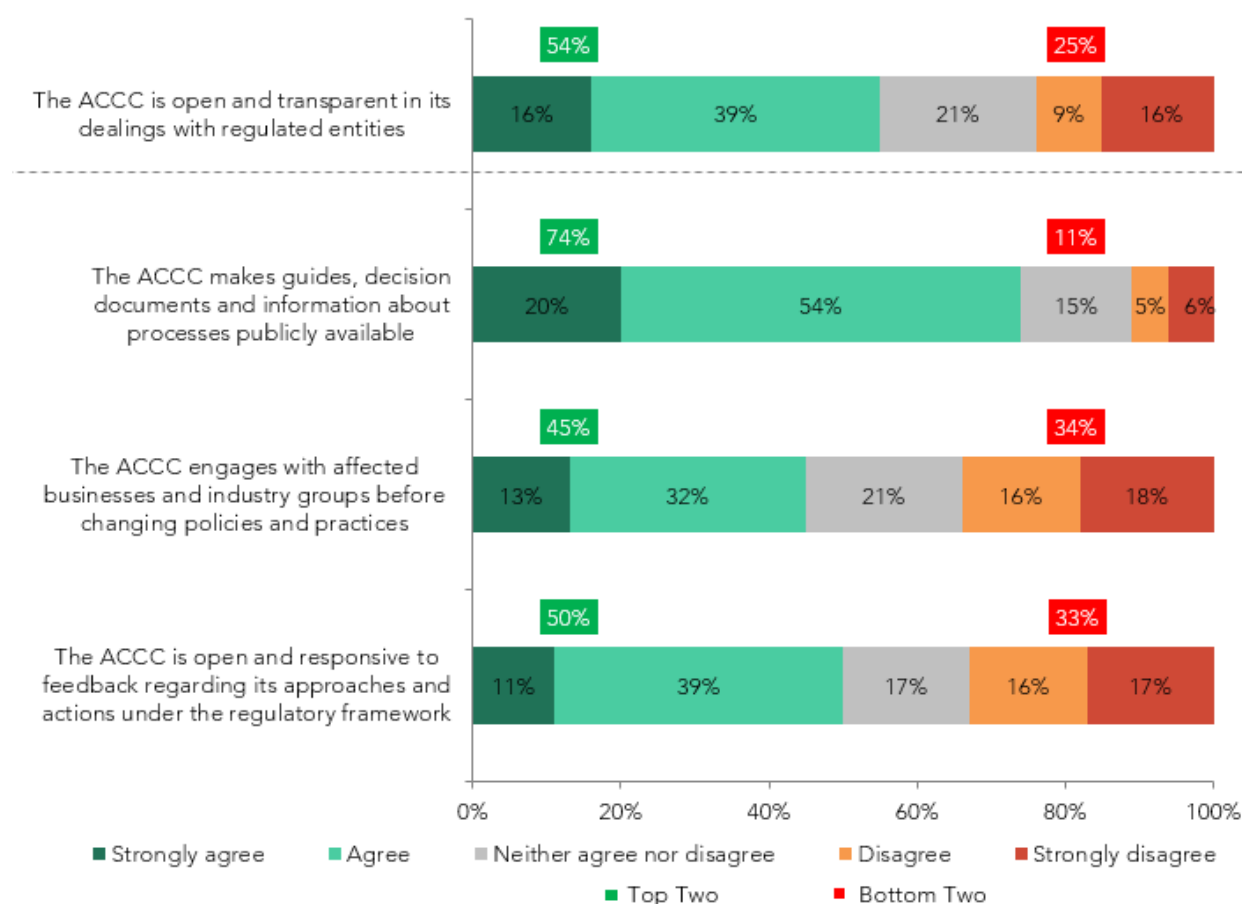
Overall, 37% strongly agreed/agreed that the ACCC’s compliance and monitoring approaches are streamlined and coordinated, while 31% disagreed/strongly disagreed.

Small Business respondents had fairly consistent ratings across all supporting statements for KPI 4, with respondents being more likely to agree than disagree to each, as well as for the overall KPI. All sub-measures were rated higher than the KPI overall. The tailoring of the ACCC’s information requests to specific matters was rated the highest of the four supporting statements (58%). The area of greatest concern was the ACCC taking into consideration the operational needs of regulated businesses when monitoring their activities (35% disagreed/strongly disagreed).

## 5.6 KPI 5 - SMALL BUSINESS

The following chart shows the result for the Small Business function area for KPI 5 – Regulators are open and transparent with regulated entities.

Figure 16: KPI 5 – Regulators are open and transparent in their dealings with regulated entities - Small Business



QEI, Once again, thinking about your experience over the past 12 months with the ACCC concerning its Small Business role, we would like you to rate the extent to which you agree or disagree with the following statements...? (unsure/not relevant responses have been excluded from the base)

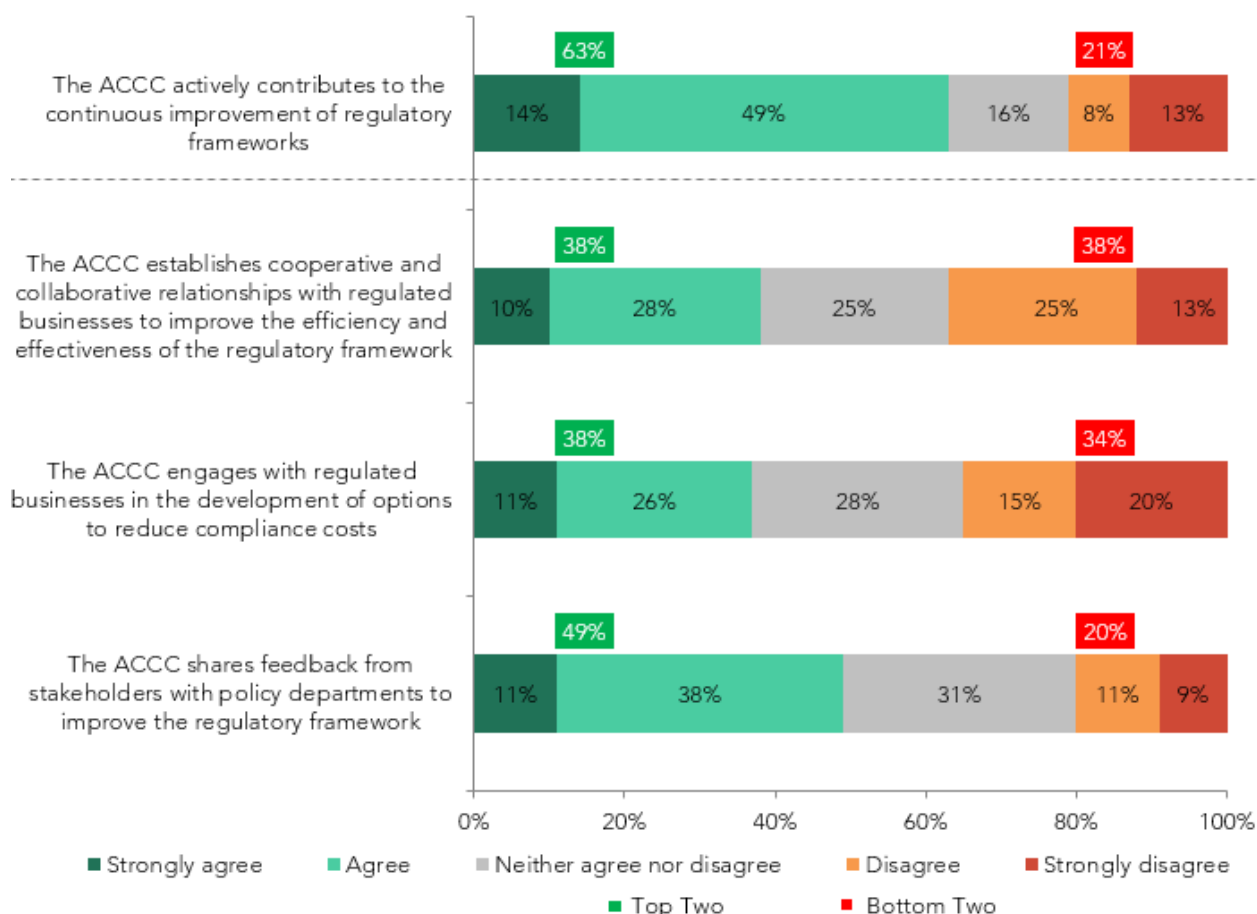
Overall, 54% strongly agreed/agreed that the ACCC is open and transparent in its dealings with regulated entities, while 25% disagreed/strongly disagreed.

Positively, Small Business respondents were far more likely to agree than disagree with the three supporting statements, which is consistent with the overall rating for KPI 5. Respondents were particularly likely to agree that the ACCC makes guides, decision documents and information about processes publicly available (74%). However, looking at the disagreement ratings for the three measures, it is possible that the two regarding the ACCC's engagement with affected businesses and industry groups before changing policies and practices (34% disagreed), and its openness and responsiveness to feedback regarding its approaches and actions under the regulatory framework (33% disagreed), had slightly more influence on the overall result for KPI 5.

## 5.7 KPI 6 - SMALL BUSINESS

The following chart shows the result for the Small Business function area for KPI 6 – Regulators actively contribute to the continuous improvement of regulatory frameworks.

Figure 17: KPI 6 – Regulators actively contribute to the continuous improvement of regulatory frameworks - Small Business



QFI, Once again, thinking about your experience over the past 12 months with the ACCC concerning its Small Business role, we would like you to rate the extent to which you agree or disagree with the following statements...? (unsure/not relevant responses have been excluded from the base)

Overall, 63% strongly agreed/agreed that the ACCC actively contributes to the continuous improvement of regulatory frameworks, while 21% disagreed/strongly disagreed.

In relation to KPI 6, while net positive or neutral result were achieved across the board, there was some variation in Small Business respondents' ratings. Interestingly, agreement levels for the supporting statements were considerably lower than for KPI 6 overall. However, the levels of disagreement were fairly consistent across the three supporting statements, as well as overall, as relatively high proportions of respondents gave each of the supporting statements a neutral rating.

## 5.8 FEEDBACK ON POSITIVE PERFORMANCE, AND SUGGESTIONS FOR IMPROVEMENT

The Small Business function area of the ACCC was praised for its “communication” and provision of “up to date information”.

Small business stakeholders suggested that the ACCC increase its direct engagement with very small owner-operators and franchisees, and provide them with additional information and support, especially when under threat from larger businesses.

### **Any specific aspect of our performance that we do well**

*“The ACCC recognises issues either through feedback or issues in the market and generally takes action that is appropriate.”*

*“Much better communication than most regulators. Open to discussion.”*

*“Up to date information when required.”*

*“The ACCC is very clear about their role and which parts of the CCA/ACL they are responding to. They are open and transparent about regulatory action and non-apologetic about decisions.”*

*“Engagement with industry associations and relevant government authorities, such as through its Small Business and Franchising Consultative Committee.”*

### **Any specific improvements you would like to suggest**

*“We know that the ACCC cannot provide specific feedback on our complaints that we make regarding industry participants that are non-compliant, or in our view, are engaging in anti-competitive behaviour. But it would be good to find a way to give us some 'generic' feedback. Otherwise we are likely to keep encouraging complaints that the ACCC does not intend to pursue. It's a waste of our time and the ACCC's time.”*

*“Improve small business awareness of ACCC (and accessibility) and how it helps (or can help) small business.”*

*“Faster response to queries regarding small business queries. Stronger non-conformance penalties for franchisors working under the FCOP.”*

*“Better support for small business in compliance, regulation changes and taking action where negative large entities threaten the viability of smaller operators.”*

*“Work with “franchise” groups directly - not the franchisors. Many franchisors have changed the name of their agreements from Franchise Agreements, hence putting distance and making support from the Franchise Council of Australia unobtainable/irrelevant. Other than using our own legal contacts, there is not a body that now supports “other” agreement holders - for which there are many.”*

*“The ACCC needs to take a stronger position to help small businesses facing online counterfeiting especially out of China. In many instances there is nothing that a small business can do given the huge*

*costs of litigating. The ACCC is seen to not assist in such cases because the matter is not large enough.”*

*“Hands on small business owners/operators need to provide input to the ACCC. Not representative bodies of small business. And not owners of large small businesses who employ staff to do the administrative regulatory tasks for them.”*

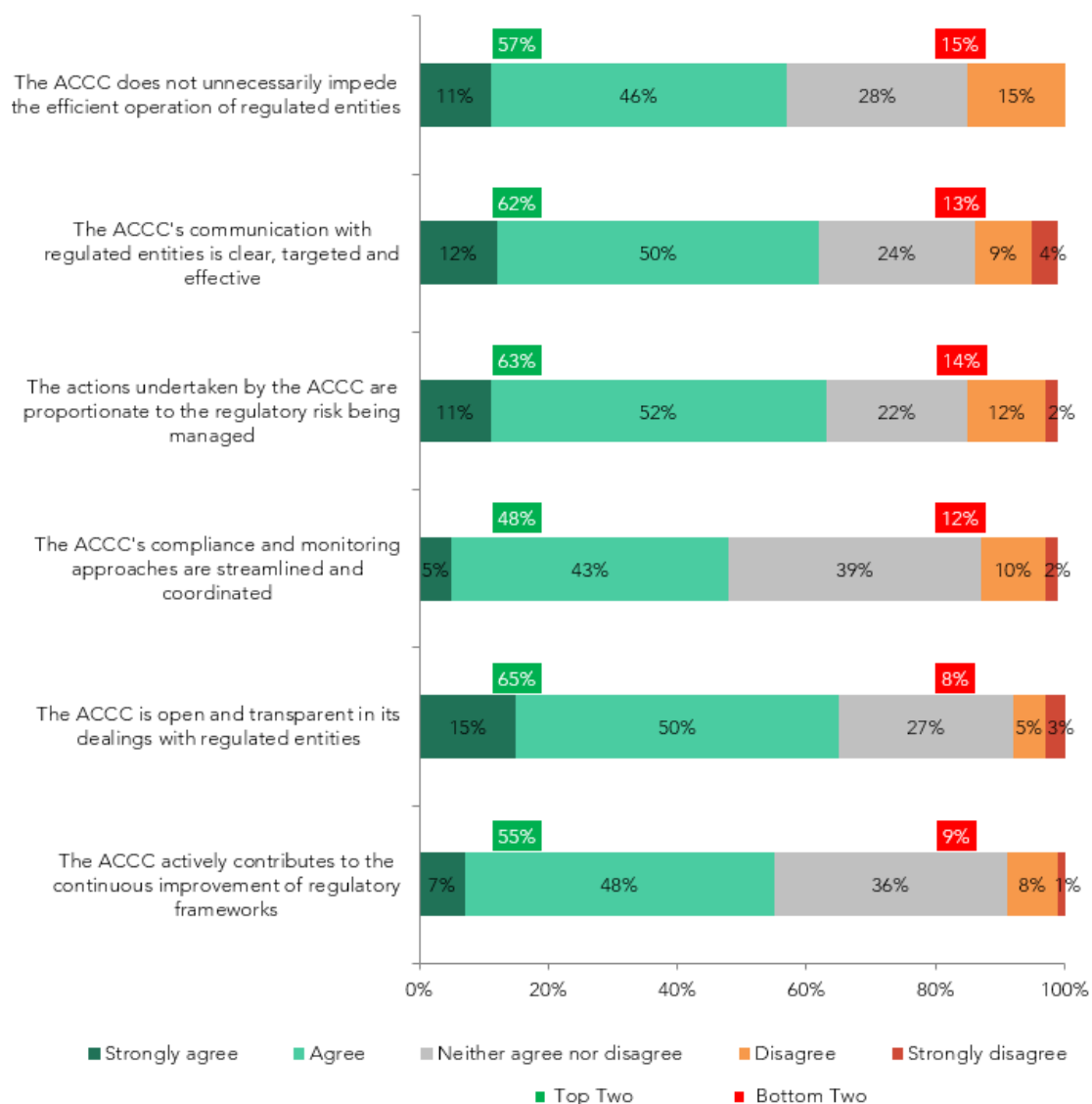
## 6 PRODUCT SAFETY

This chapter presents the findings for the Product Safety function area of the ACCC. The Product Safety function relates to ensuring Australian consumers are not harmed by unsafe products such as defective items or those containing unsafe chemicals. The ACCC works with domestic and international counterparts on joint surveillance, education and policy initiatives. Overall, 100 online surveys were completed from a potential sample of 508 supplied email addresses. This represents a response rate of 20%.

### 6.1 KPI SUMMARY

The following chart shows the result for the Product Safety function area across each of the six KPIs.

Figure 18: KPI summary chart - Product Safety



QA2, QB2, QC2, QD2, QE2, QF2 Thinking about the statements above as well as any other relevant factors, we would like you to rate the extent to which you agree or disagree with the following...? (unsure/not relevant responses have been excluded from the base)



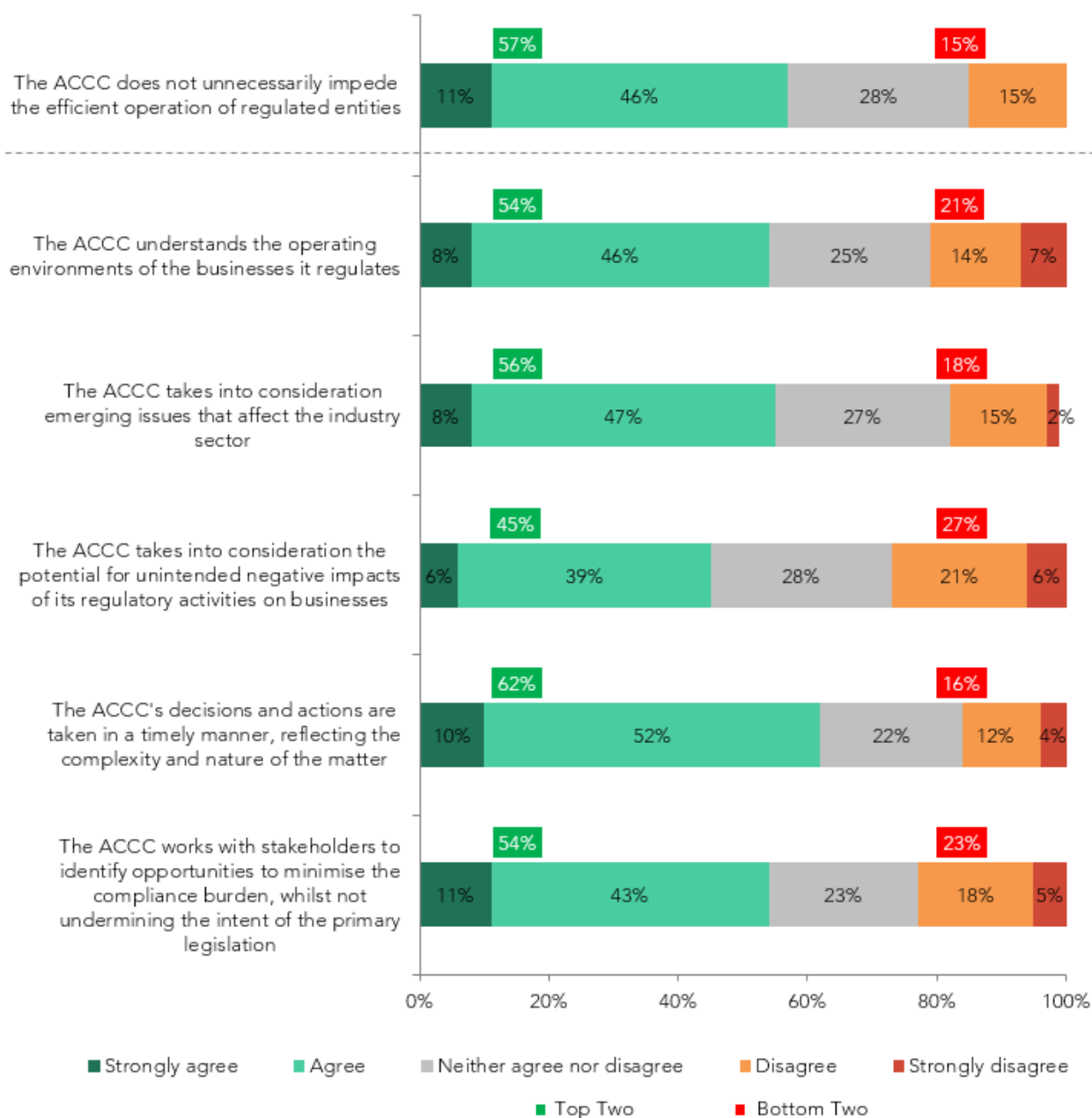
Many more Product Safety stakeholders agreed than disagreed that the ACCC is achieving all six KPIs. The most positive results were for KPI 5 – the ACCC is open and transparent in its dealings with regulated entities (65%), KPI 3 – the actions undertaken by the ACCC are proportionate to the regulatory risk being managed (63%), and KPI 2 – the ACCC’s communication with regulated entities is clear, targeted and effective (62%). Despite KPI 4 having the lowest rate of agreement (at 48%), four times as many stakeholders agreed than disagreed that the ACCC’s compliance and monitoring approaches are streamlined and coordinated.

The charts showing the result for the Product Safety function area across each of the six KPIs, comparing 2019 to previous years can be referred to in Appendix C. There were no changes from the 2018 results that were statistically significant.

## 6.2 KPI 1 - PRODUCT SAFETY

The following chart shows the result for the Product Safety function area for KPI 1 – Regulators do not necessarily impede the efficient operation of regulated entities.

Figure 19: KPI 1 - Regulators do not unnecessarily impede the efficient operation of regulated entities - Product Safety



QA1, Firstly thinking about your experience over the past 12 months with the ACCC concerning its Product Safety role, we would like you to rate the extent to which you agree or disagree with the following statements...? (unsure/not relevant responses have been excluded from the base)

Overall, 57% strongly agreed/agreed that the ACCC does not unnecessarily impede the efficient operation of regulated industries, while 15% disagreed/strongly disagreed.

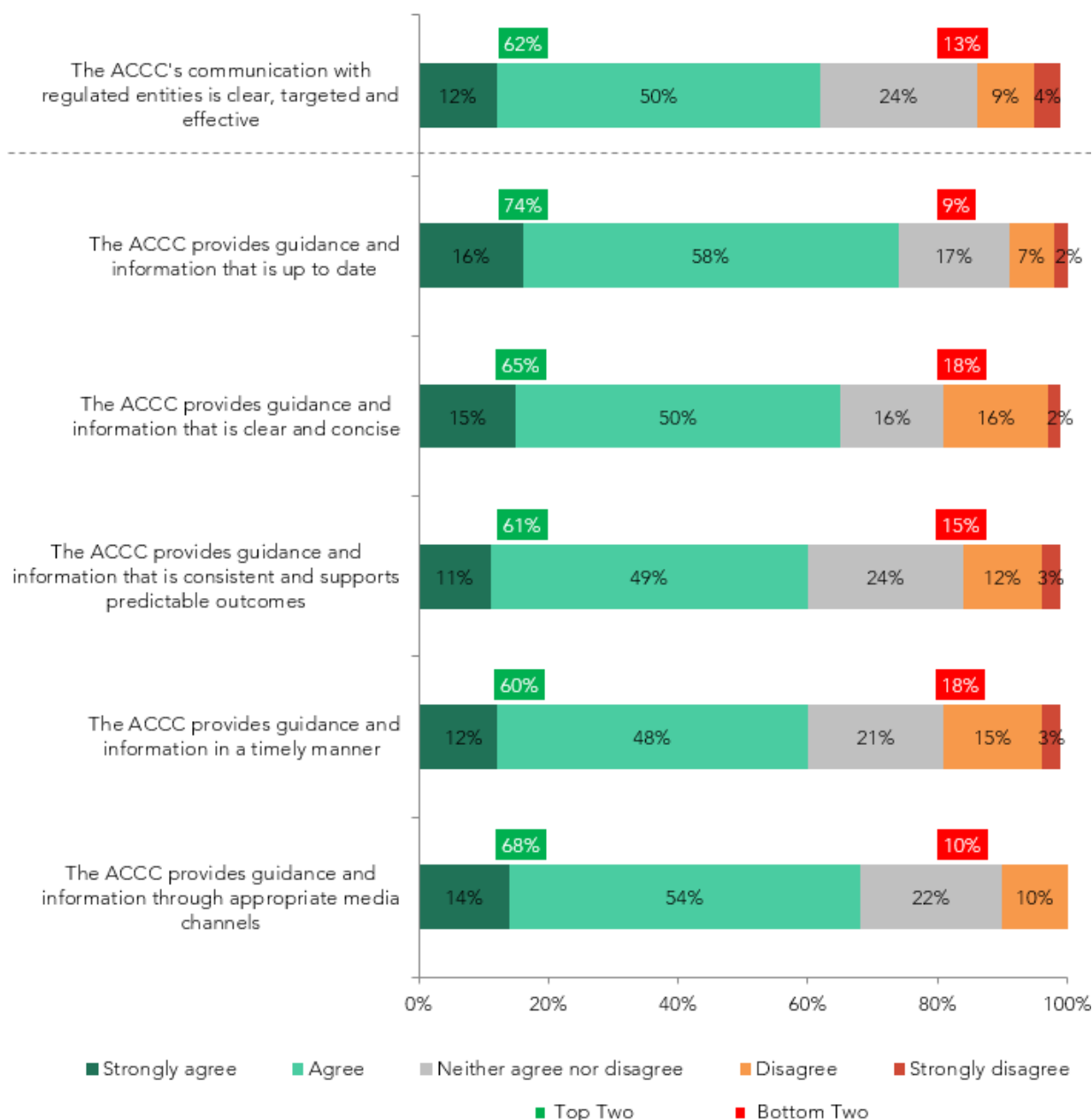
Positively, Product Safety respondents had similarly high levels of agreement across the supporting statements as for KPI 1 overall. However, the two statements which had the highest levels of disagreement were about the ACCC's consideration of the potential for unintended negative impacts of its regulatory activities on businesses, and its work with stakeholders to identify opportunities to minimise compliance burden, whilst not undermining the intent of primary legislation (27% and 23% disagreed, respectively). Out of the five supporting statements,

respondents were most positive that the ACCC’s decisions and actions were taken in a timely manner, reflecting the complexity and nature of the matter (62% agreed).

### 6.3 KPI 2 - PRODUCT SAFETY

The following chart shows the result for the Product Safety function area KPI 2 – Communication with regulated entities is clear, targeted and effective.

**Figure 20: KPI 2 – Communication with regulated entities is clear, targeted and effective - Product Safety**



Q1) Once again, thinking about your experience over the past 12 months with the ACCC concerning its Product Safety role, we would like you to rate the extent to which you agree or disagree with the following statements...? (unsure/not relevant responses have been excluded from the base)

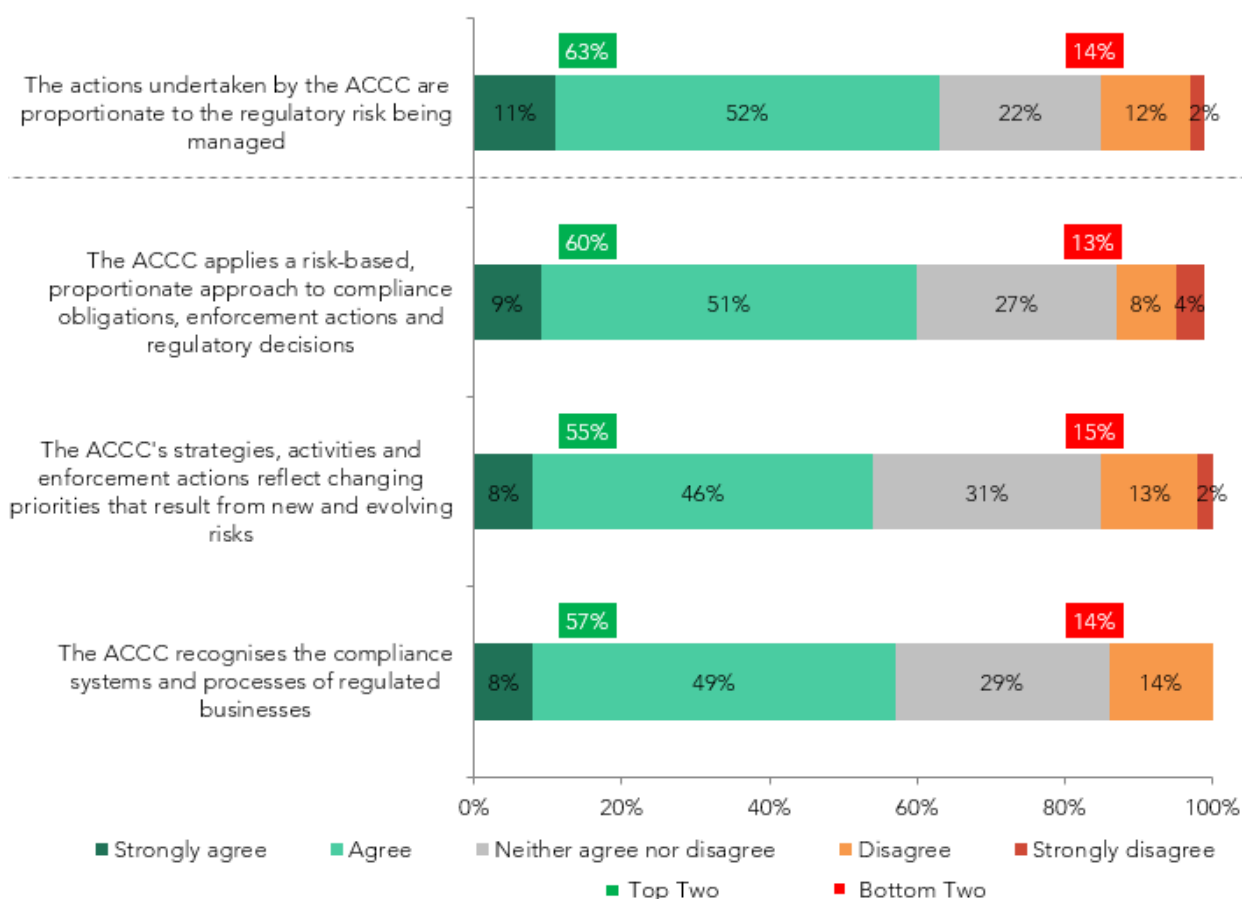
Overall, 62% strongly agreed/agreed that the ACCC’s communication with regulated entities is clear, targeted and effective, while 13% disagreed/strongly disagreed.

In relation to KPI 2, Product Safety respondents were at least three times more likely to agree than disagree with all five supporting statements. Results were particularly strong in terms of the ACCC providing guidance and information that is up to date (74%).

## 6.4 KPI 3 - PRODUCT SAFETY

The following chart shows the result for the Product Safety function area for KPI 3 – Actions undertaken by regulators are proportionate to the regulatory risk being managed.

**Figure 21: KPI 3 – Actions undertaken by regulators are proportionate to the regulatory risk being managed - Product Safety**



*Q1, Once again, thinking about your experience over the past 12 months with the ACCC concerning its Product Safety role, we would like you to rate the extent to which you agree or disagree with the following statements...? (unsure/not relevant responses have been excluded from the base)*

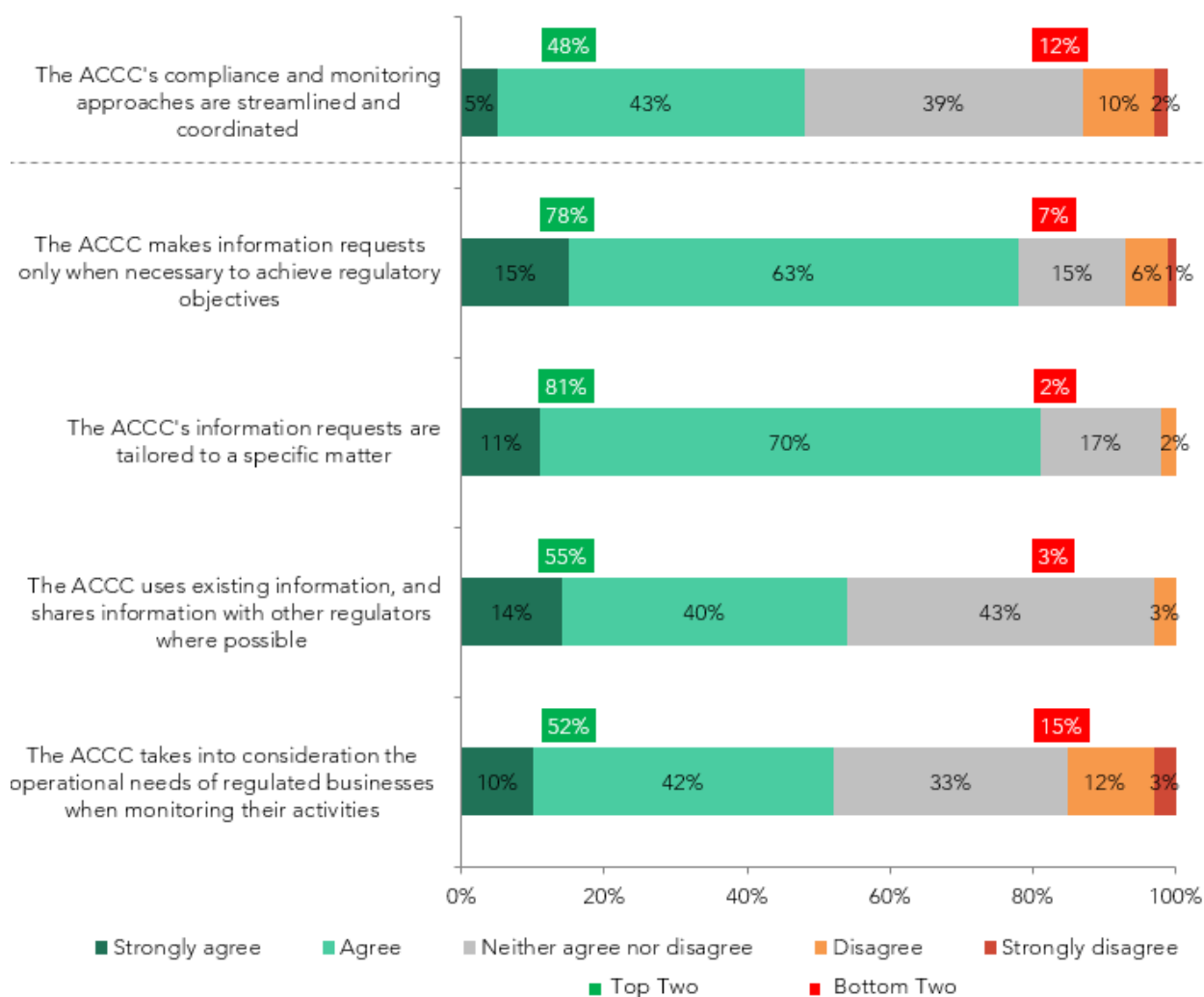
Overall, 63% strongly agreed/agreed that the actions undertaken by the ACCC are proportionate to the regulatory risk being managed, while 14% disagreed/strongly disagreed.

Product Safety respondents had very consistent ratings across all supporting statements for KPI 3, with respondents being considerably more likely to agree than disagree, which is also consistent with the overall KPI rating.

## 6.5 KPI 4 - PRODUCT SAFETY

The following chart shows the result for the Product Safety function area for KPI 4 – Compliance and monitoring approaches are streamlined and coordinated.

Figure 22: KPI 4 – Compliance and monitoring approaches are streamlined and coordinated- Product Safety



QD1, Once again, thinking about your experience over the past 12 months with the ACCC concerning its Product Safety role, we would like you to rate the extent to which you agree or disagree with the following statements...? (unsure/not relevant responses have been excluded from the base)

Overall, 48% strongly agreed/agreed that the actions undertaken by the ACCC’s compliance and monitoring approaches are streamlined and coordinated while 12% disagreed/strongly disagreed.

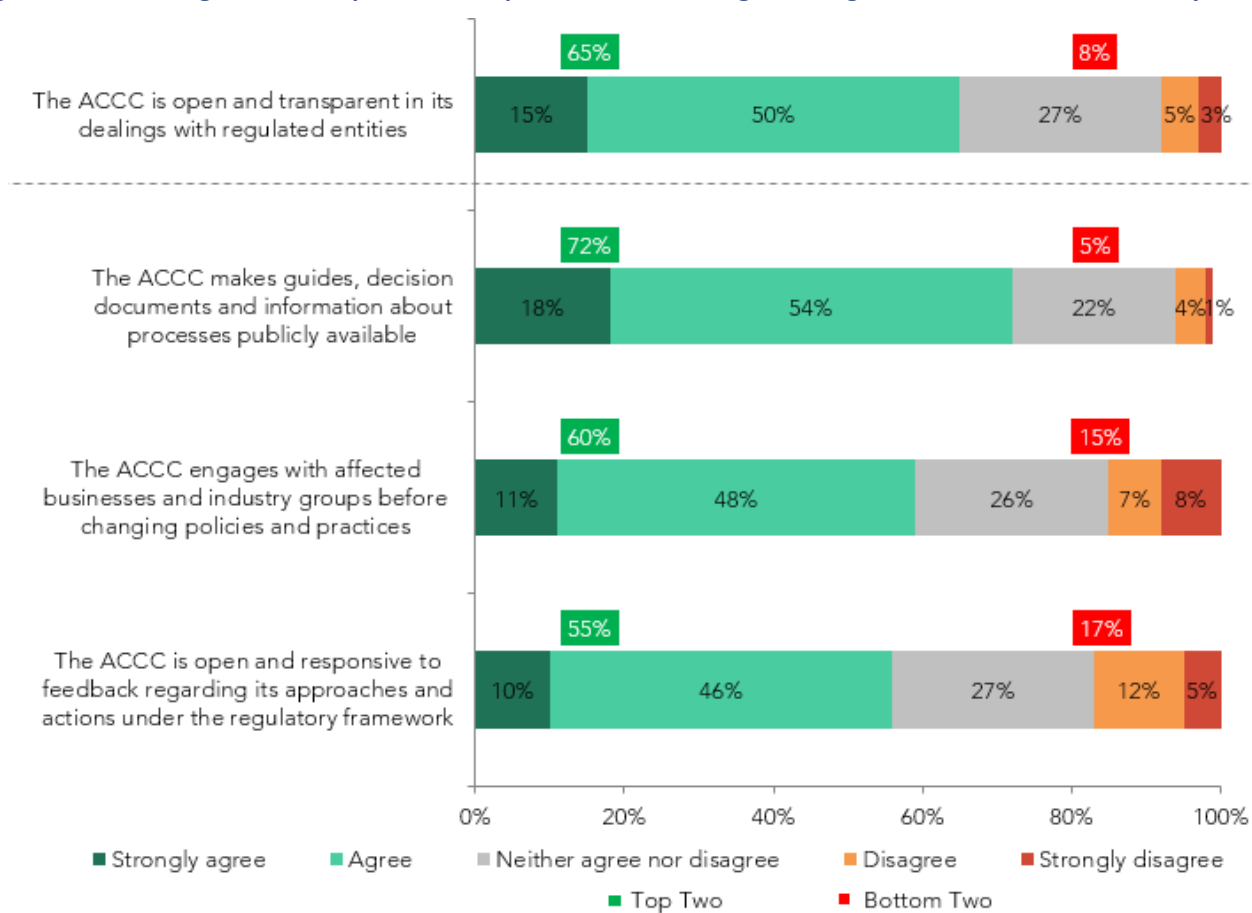
In relation to KPI 4, there was some variation in Product Safety respondents’ ratings across the four supporting statements. The ACCC’s information requests being tailored to a specific matter (81%) and only making information requests when necessary to achieve regulatory objectives (78%) were rated higher than the other two supporting statements. It appears that considering operational needs of regulated businesses when monitoring their activities (52% agreed and 15% disagreed) and using existing information and sharing

information with other regulators where possible (55% agreed and 3% disagreed) may have more influence on the result for KPI 4 overall.

## 6.6 KPI 5 - PRODUCT SAFETY

The following chart shows the result for the Product Safety function area for KPI 5 – Regulators are open and transparent in their dealings with regulated entities.

**Figure 23: KPI 5 – Regulators are open and transparent in their dealings with regulated entities - Product Safety**



*QEI. Once again, thinking about your experience over the past 12 months with the ACCC concerning its Product Safety role, we would like you to rate the extent to which you agree or disagree with the following statements...? (unsure/not relevant responses have been excluded from the base)*

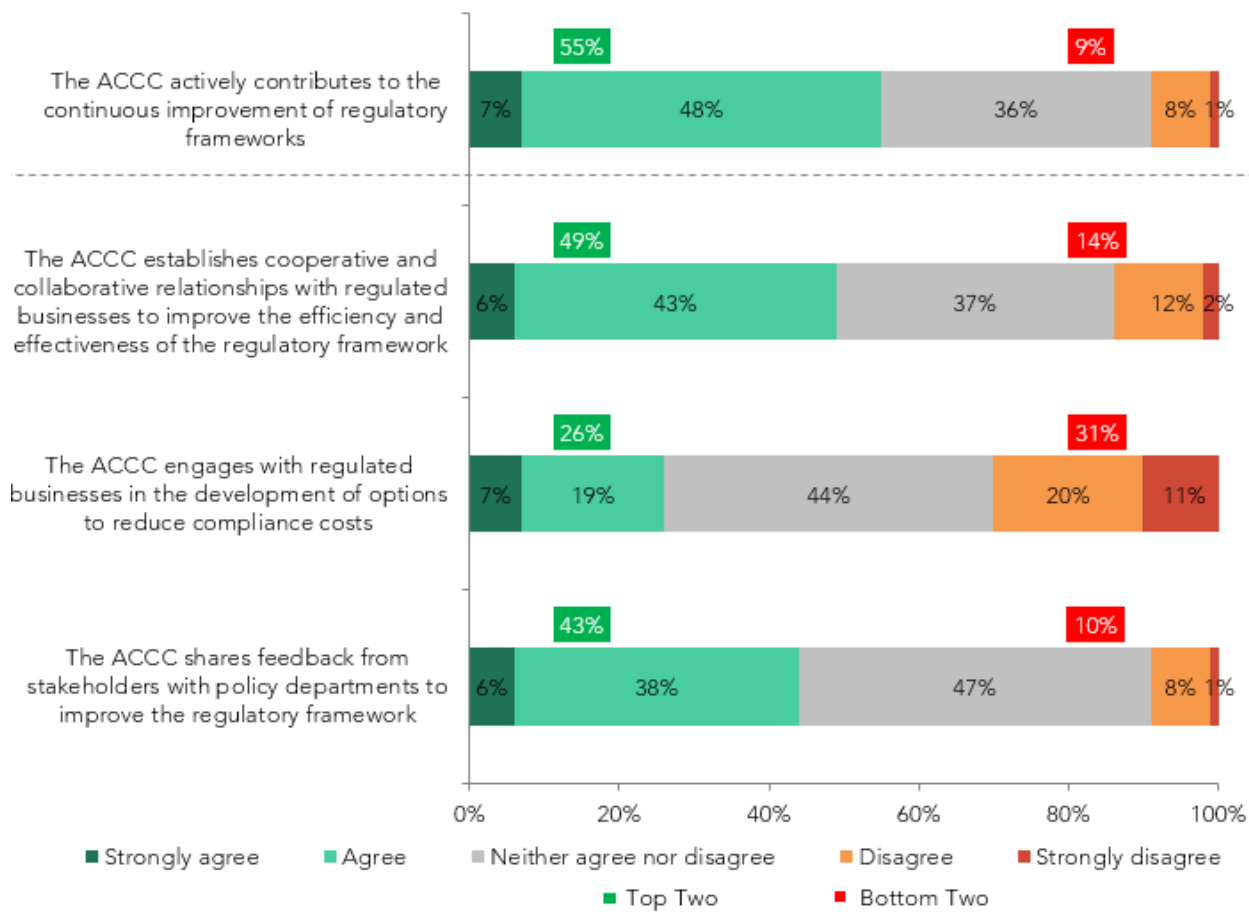
Overall, 65% strongly agreed/agreed that the ACCC is open and transparent in its dealings with regulated entities, while 8% disagreed/strongly disagreed.

In relation to KPI 5, while there was some variation in agreement levels across the three supporting statements, Product Safety respondents were considerably more likely to agree than disagree and the majority were positive about all three statements. Results were particularly strong in terms of the ACCC making guides, decision documents and information about processes publicly available (72%).

## 6.7 KPI 6 - PRODUCT SAFETY

The following chart shows the result for the Product Safety function area for KPI 6 – Regulators actively contribute to the continuous improvement of regulatory frameworks.

Figure 24: KPI 6 – Regulators actively contribute to the continuous improvement of regulatory frameworks - Product Safety



QF1. Once again, thinking about your experience over the past 12 months with the ACCC concerning its Product Safety role, we would like you to rate the extent to which you agree or disagree with the following statements...? (unsure/not relevant responses have been excluded from the base)

Overall, 55% strongly agreed/agreed that the ACCC actively contributes to the continuous improvement of regulatory frameworks, while 9% disagreed/strongly disagreed.

In relation to KPI 6, there was some variation in Product Safety respondents’ ratings across the three supporting statements. The ACCC establishes cooperative and collaborative relationships with regulated businesses to improve efficiency and effectiveness of the regulatory framework received the highest agreement rating (49%). A net negative result was apparent for the ACCC engages with regulated businesses in the development of options to reduce compliance costs, with three times as many respondents disagreeing compared to the KPI 6 overall rating (31% vs. 9%).

## 6.8 FEEDBACK ON POSITIVE PERFORMANCE, AND SUGGESTIONS FOR IMPROVEMENT

The Product Safety function area's recall procedures remain well regarded. Stakeholders frequently commented on the "good experience" and the "fast response" in the ACCC's approach to recalls. Many also made positive mentions of the website.

Some stakeholders suggested that recall process could be simplified and made clearer. A few also wanted a quicker acknowledgement of their submissions.

### *Specific aspect of performance that we do well*

*"Staff always respond quickly to queries."*

*"Easy to use web-based recall submission."*

*"I appreciate the ACCC's willingness to enter a dialogue and understand all the facts before making a decision or enforcing an action."*

*"The ACCC conducts itself very professionally and takes into consideration all independent submissions and they should be congratulated on their work."*

*"I found our dealings with the ACCC to be polite, productive and purposeful in our recent recall matter. Rather than impose restrictions without gaining a full understand of the issues involved, it was a supportive and collaborative process. I was particularly impressed with the friendly, non-judgemental and professional manner in which our case worker handled the situation."*

*"Very transparent, clear website. Very reactive in the answers."*

### *Any specific improvements you would like to suggest*

*"The ACCC can take time in responding to requests from businesses, in our example 4-6 weeks. However, when the ACCC eventually does reply, they request a response within 5 business days, which at times (depending on the request) can be exhaustive on staff responding to the request. Would appreciate a more balanced review/response time."*

*"ACCC and ERAC web site needs to be more clear. If the law changes, a notification needs to be sent out to everyone informing them of change."*

*"I made a submission recently relating to a review of the blind cording regulations, however there was no acknowledgement that my submission was ever received and considered as part of the review process. I believe we made a valuable contribution."*

*"We are involved with a food recall, but there is no clear guidance on how we report our recall progress. We have recalled everything and no longer sell our products, however, we keep receiving the reminder to update the progress. This is very annoying."*



*“The Regular Reporting requirements include too many parameters. Surely, the relevant information in any Recall Campaign is simply Number of Affected Units, Number of Units completed and remaining units?”*

*“Give clear guidelines so all business are on the same page.”*

## 7 INFRASTRUCTURE REGULATION

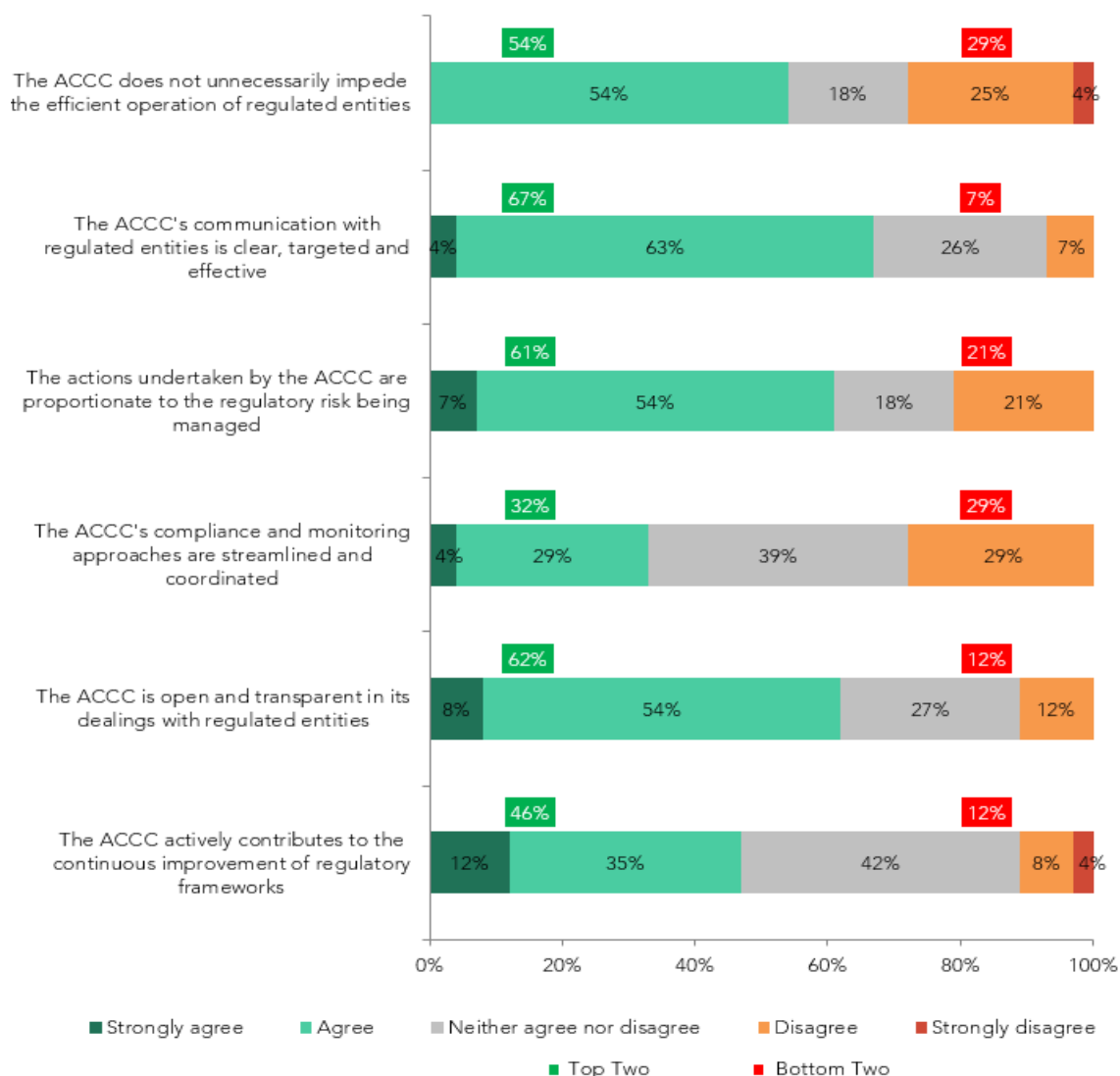
This chapter presents the findings for the Infrastructure Regulation function area of the ACCC. The Infrastructure Regulation function relates to the economic regulation of communications, transport and rural water sectors and the monitoring of certain industries such as fuel and airports.

Overall, 28 online surveys were completed for the Infrastructure Regulation area from a potential sample of 93 supplied email addresses. This represents a response rate of 31%.

### 7.1 KPI SUMMARY

The following chart shows the result for the Infrastructure Regulation function area across each of the six KPIs.

Figure 25: KPI summary chart - Infrastructure Regulation



*QA2, QB2, QC2, QD2, QE2, QF2 Thinking about the statements above as well as any other relevant factors, we would like you to rate the extent to which you agree or disagree with the following...? (unsure/not relevant responses have been excluded from the base)*

In terms of the results at the KPI level, more stakeholders agreed than disagreed across all six KPIs. The most positive results were for KPI 2 – the ACCC’s communication with regulated entities is clear, targeted and effective (67%), KPI 5 - the ACCC is open and transparent in its dealings with regulated entities (62%), and KPI 3 – the actions undertaken by the ACCC are proportionate to the regulatory risk being managed (61%). While still a net positive result, KPI 4 – the ACCC's compliance and monitoring approaches are streamlined and coordinated had the highest level of disagreement (29%).

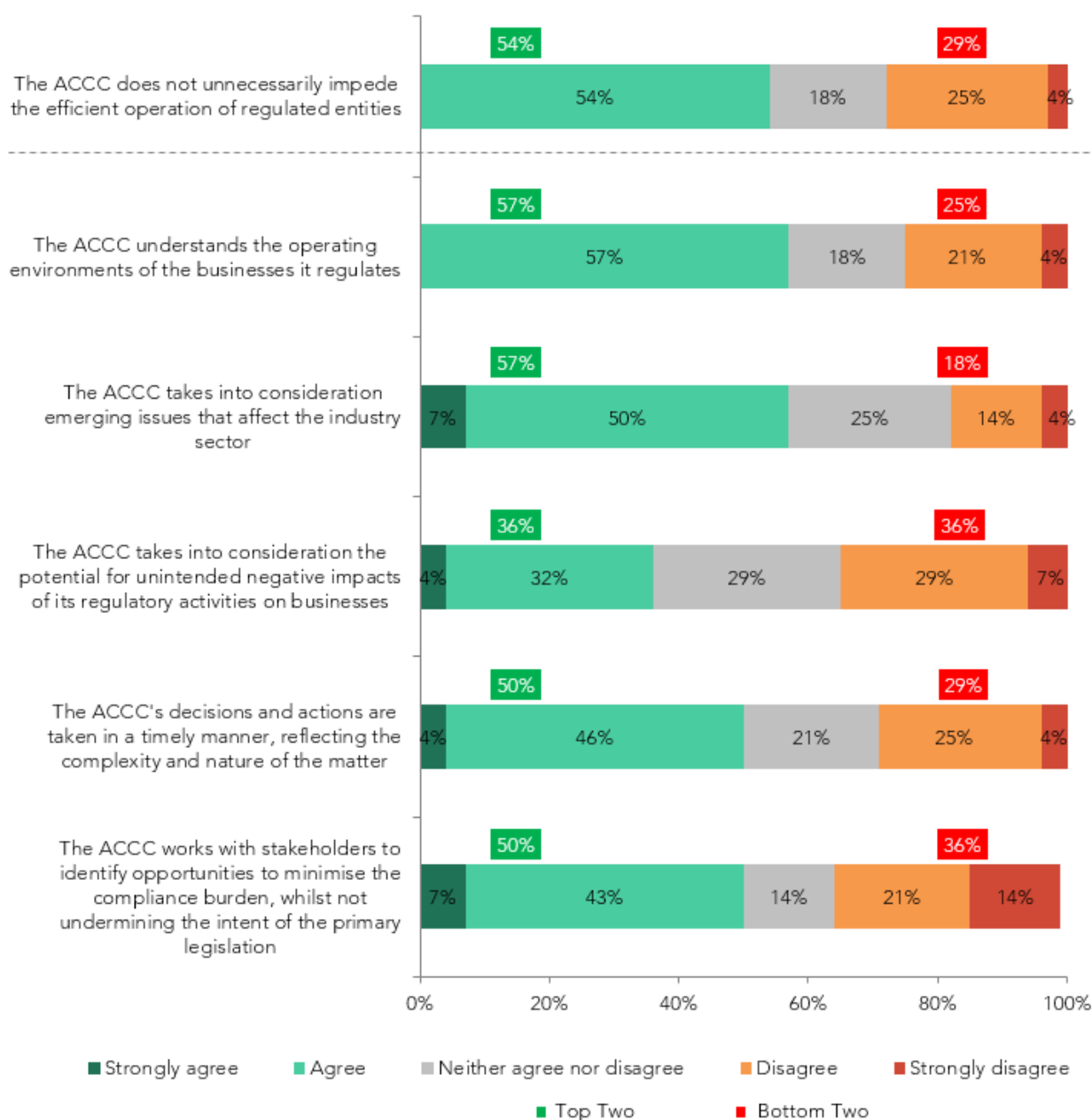
The charts showing the result for the Infrastructure Regulation function area across each of the six KPIs, comparing 2019 to previous years can be referred to in Appendix C.

The only statistically significant change in results from 2018 was the decrease in the percentage of respondents who did not agree that the ACCC’s communication with regulated entities is clear, targeted and effective (down from 26% in 2018 to 7% in 2019).

## **7.2 KPI 1 - INFRASTRUCTURE REGULATION**

The following chart shows the result for the Infrastructure Regulation function area for KPI 1 – Regulators do no unnecessarily impede the efficient operation of regulated entities.

Figure 26: KPI 1 - Regulators do not unnecessarily impede the efficient operation of regulated entities - Infrastructure Regulation



QA1, Firstly thinking about your experience over the past 12 months with the ACCC concerning its Infrastructure Regulation role, we would like you to rate the extent to which you agree or disagree with the following statements...? (unsure/not relevant responses have been excluded from the base)

Overall, 54% strongly agreed/agreed that the ACCC does not unnecessarily impede the efficient operation of regulated industries, while 29% disagreed/strongly disagreed.

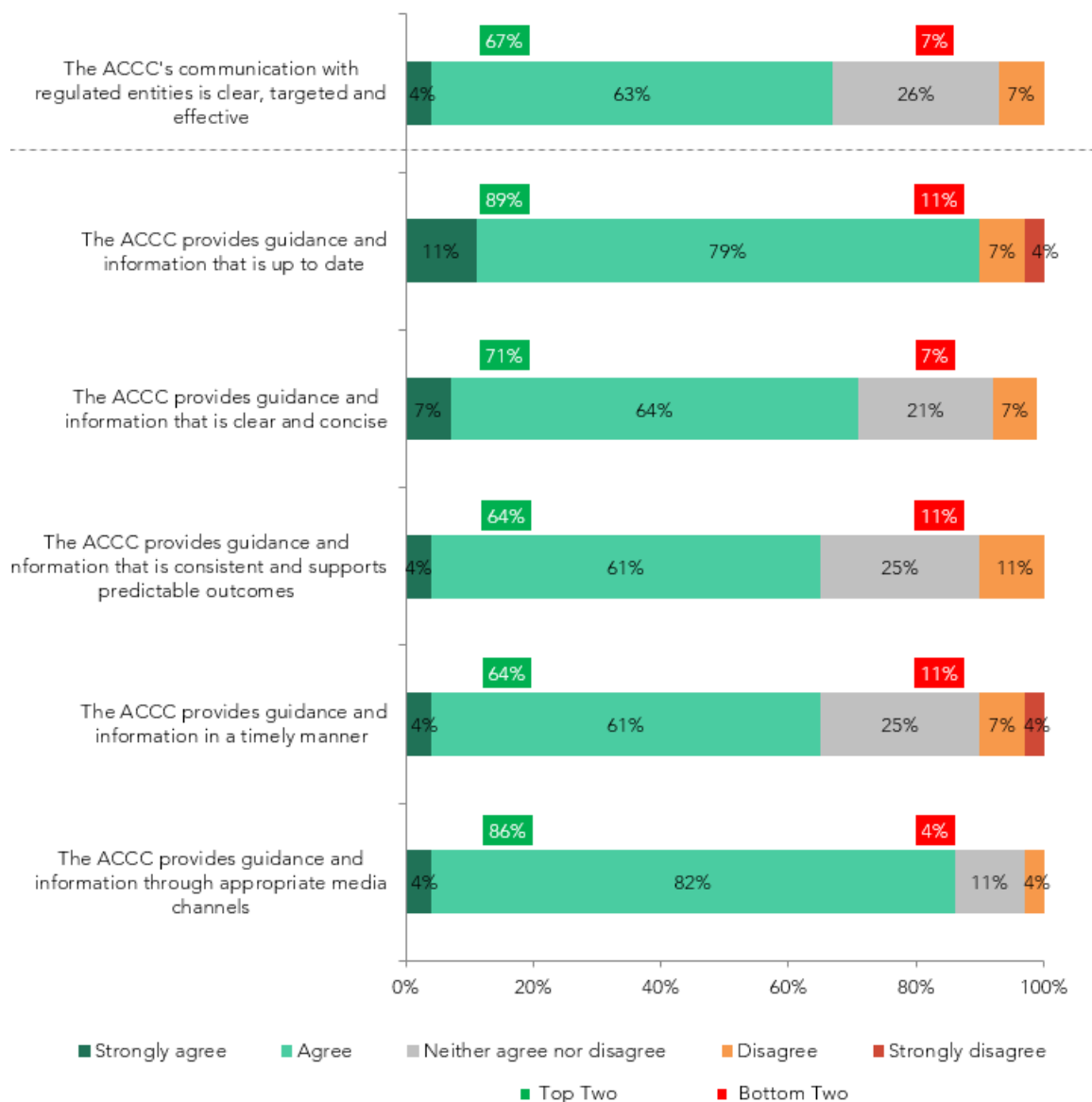
In relation to KPI 1, it is worth noting that there was reasonable consistency in Infrastructure Regulation respondents' agreement ratings across the five supporting statements and relative to the overall KPI result. Four of the five supporting statement results are net positive, and the highest agreement rating was achieved for the ACCC understanding the operating environments of the businesses it regulates and the ACCC taking into consideration emerging issues that affect the industry sector (both 57%). There appears to be greater room to

improve performance in terms of the ACCC working with stakeholders to identify opportunities to minimise compliance burden (36% disagreed this was the case, while 50% agreed) and taking into consideration potential for unintended negative impacts of its regulatory activities on businesses (36% disagreed and 36% agreed).

### 7.3 KPI 2 - INFRASTRUCTURE REGULATION

The following chart shows the result for the Infrastructure Regulation function area KPI 2 – Communication with Regulated entities is clear, targeted and effective.

**Figure 27: KPI 2 – Communication with regulated entities is clear, targeted and effective - Infrastructure Regulation**



QBI, Once again, thinking about your experience over the past 12 months with the ACCC concerning its Infrastructure Regulation role, we would like you to rate the extent to which you agree or disagree with the following statements...? (unsure/not relevant responses have been excluded from the base)

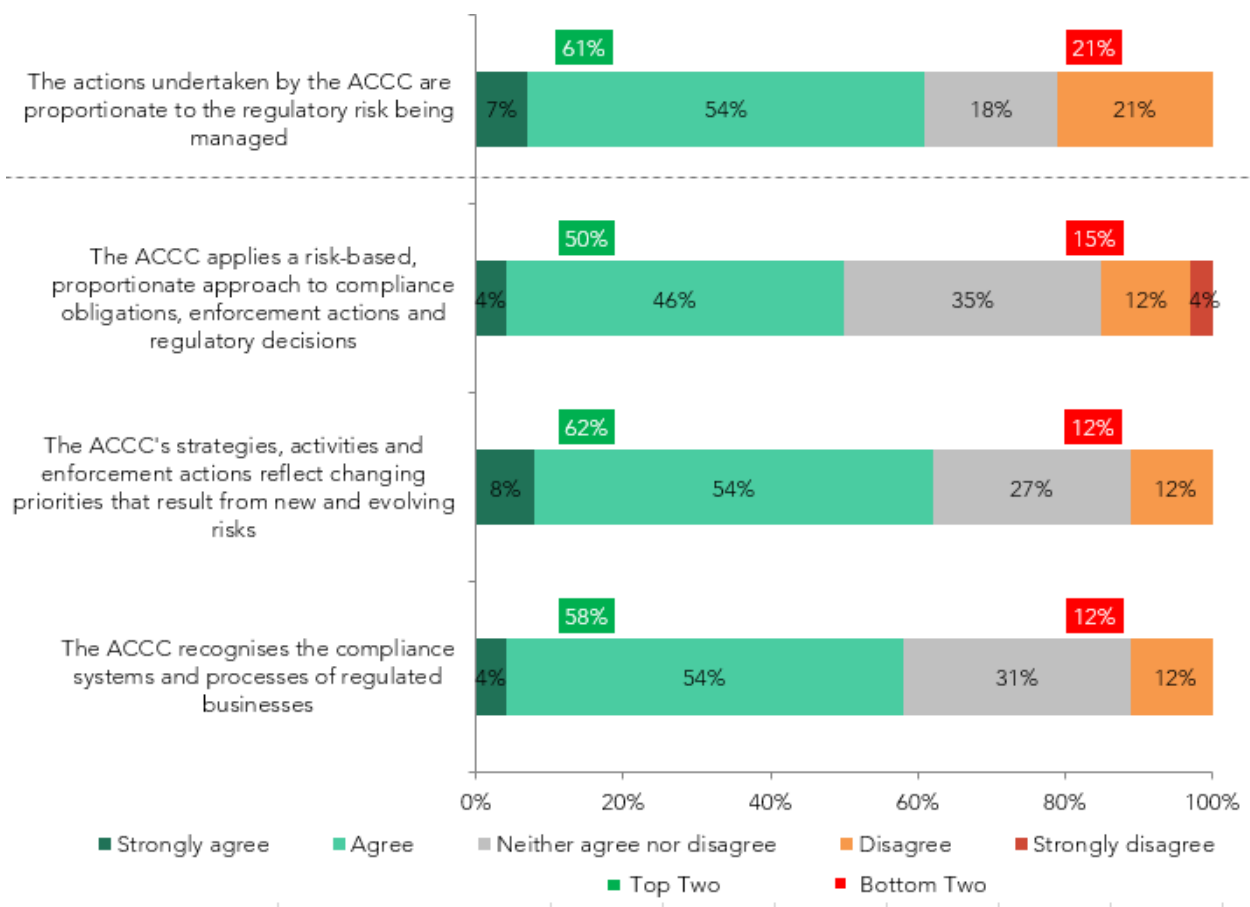
Overall, 67% strongly agreed/agreed that the ACCC’s communication with regulated entities is clear, targeted and effective, while 7% disagreed/strongly disagreed.

In relation to KPI 2, the vast majority of Infrastructure Regulation respondents agreed with each of the five supporting statements. Results were particularly strong in terms of the ACCC ‘providing guidance and information that is up to date’ (89%) and ‘through appropriate media channels’ (86%).

## 7.4 KPI 3 - INFRASTRUCTURE REGULATION

The following chart shows the result for the Infrastructure Regulation function area for KPI 3 – Actions undertaken by regulators are proportionate to the regulatory risk being managed.

**Figure 28: KPI 3 – Actions undertaken by regulators are proportionate to the regulatory risk being managed - Infrastructure Regulation**



*QCI, Once again, thinking about your experience over the past 12 months with the ACCC concerning its Infrastructure Regulation role, we would like you to rate the extent to which you agree or disagree with the following statements...? (unsure/not relevant responses have been excluded from the base)*

Overall, 61% strongly agreed/agreed that the actions undertaken by the ACCC are proportionate to the regulatory risk being managed, while a further 21% disagreed/strongly disagreed.

Infrastructure Regulation respondents had fairly consistent ratings across the three supporting statements for KPI 3, with respondents being at least three times more likely to agree than disagree, which is in line with the overall KPI rating.

## 7.5 KPI 4 - INFRASTRUCTURE REGULATION

The following chart shows the result for the Infrastructure Regulation function area for KPI 4 – Compliance and monitoring approaches are streamlined and coordinated.

Figure 29: KPI 4 – Compliance and monitoring approaches are streamlined and coordinated- Infrastructure Regulation



QD1, Once again, thinking about your experience over the past 12 months with the ACCC concerning its Infrastructure Regulation role, we would like you to rate the extent to which you agree or disagree with the following statements...? (unsure/not relevant responses have been excluded from the base)

Overall, 32% strongly agreed/agreed that the actions undertaken by the ACCC’s compliance and monitoring approaches are streamlined and coordinated, while 29% disagreed/strongly disagreed.

However, the results across the four supporting statements are substantially better than for the KPI overall. This indicates that there is some other factor driving the relatively poor overall result.

As the result for KPI4 for Infrastructure Regulation was also relatively poor in 2018, in 2019 respondents who disagreed/strongly disagreed with KPI 4 were asked if they could provide some more information about why they felt this way. These respondents were also told that it would be helpful if they could specify their industry

sector (as this would help the ACCC to address the specific problem). Unfortunately, only one of the six respondents specified their industry. The comments were:

*“Often seems laborious and language can be vague and increases difficulty. The time taken to respond is significant for outcomes that are often even unduly handed.”*

*“Rail industry.”*

*“Big increase in the number of section 155 notices being issued by the ACCC these days without resulting in more enforcement actions, even though these are very costly for companies to comply with.”*

*“Requests for information can be very onerous and often poorly targeted. Would benefit from discussing what information the ACCC is actually seeking and enable some extraneous requests to be excluded.”*

*“The approach of issuing information requests with no discussion with the regulated entity as to what is being sought (so ruling out the ability to provide a more efficient and targeted response) ensures the workload of compliance activities for both the ACCC and regulated businesses is greater than it should be.”*

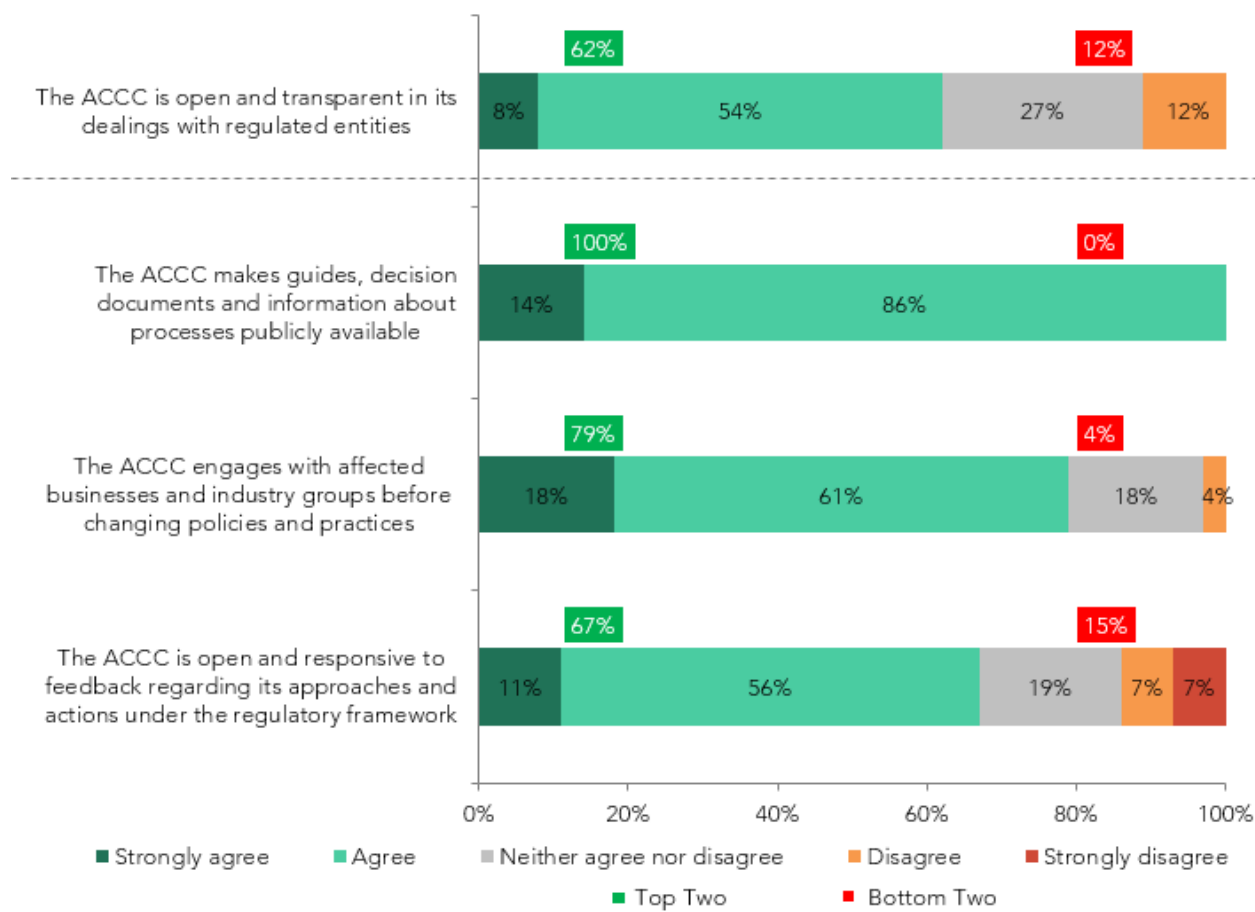
*“Your officers go fishing for a problem without being clear on the issue or the regulatory requirement.”*

## **7.6 KPI 5 - INFRASTRUCTURE REGULATION**

The following chart shows the result for the Infrastructure Regulation function area for KPI 5 – Regulators are open and transparent in their dealings with regulated entities.



**Figure 30: KPI 5 – Regulators are open and transparent in their dealings with regulated entities - Infrastructure Regulation**



*QEI, Once again, thinking about your experience over the past 12 months with the ACCC concerning its Infrastructure Regulation role, we would like you to rate the extent to which you agree or disagree with the following statements...? (unsure/not relevant responses have been excluded from the base)*

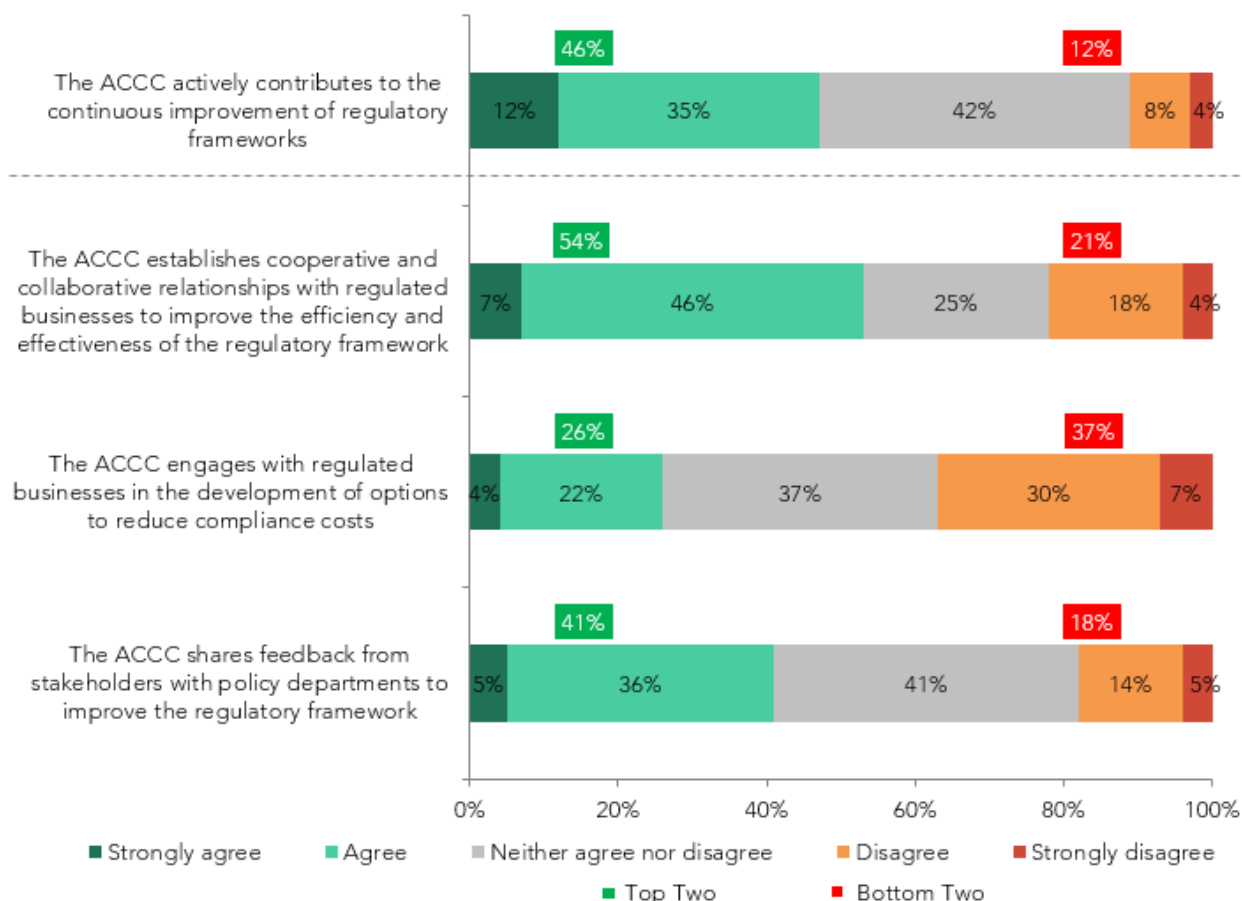
Overall, 62% strongly agreed/agreed that the ACCC is open and transparent in its dealings with regulated entities, while 12% disagreed/strongly disagreed.

Positively, Infrastructure Regulation respondents were significantly more likely to agree than disagree with the three supporting statements, which is consistent with the overall rating for KPI 5. Respondents unanimously agreed that the ACCC makes guides, decision documents and information about processes publicly available (100%) and were also positive about its engagement with affected businesses and industry groups before changing policies and practices (79%).

## 7.7 KPI 6 - INFRASTRUCTURE REGULATION

The following chart shows the result for the Infrastructure Regulation function area for KPI 6 – Regulators actively contribute to the continuous improvement of regulator frameworks.

**Figure 31: KPI 6 – Regulators actively contribute to the continuous improvement of regulatory frameworks - Infrastructure Regulation**



QFI, Once again, thinking about your experience over the past 12 months with the ACCC concerning its Infrastructure Regulation role, we would like you to rate the extent to which you agree or disagree with the following statements...? (unsure/not relevant responses have been excluded from the base)

Overall, 46% strongly agreed/agreed that the ACCC actively contributes to the continuous improvement of regulatory frameworks, while 12% disagreed/strongly disagreed.

In relation to KPI 6, a net positive result was achieved for two of the three supporting statements. The ACCC performed strongest in terms of establishing cooperative and collaborative relationships with regulated business to improve efficiency and effectiveness of the regulatory framework (54% agreed). However, a net negative result was found in relation to the ACCC engaging with businesses to reduce compliance costs (26% agree and 37% disagree, equating to a net -11% score).

## 7.8 FEEDBACK ON POSITIVE PERFORMANCE, AND SUGGESTIONS FOR IMPROVEMENT

Stakeholders commented that the Infrastructure Regulation function’s level of engagement activities were “transparent” and “accessible”.

There were a few suggestions that the ACCC’s decisions could be monitored and evaluated to track their impact and level of success. A few stakeholders also thought communications could be improved.

***Specific aspects of performance that we do well***

*"The ACCC is transparent about its decision making and does consult with industry."*

*"Industry engagement has been very supportive of positive outcomes."*

*"Clear about policy decisions."*

*"Access to submissions and decisions."*

***Any specific improvements you would like to suggest***

*"Lighter more concise communication style.....less regulatory style."*

*"Some critical analysis of its previous positions taken, and particularly consideration of the strengths, weaknesses and limitations of the metrics that are used to monitor and regulate infrastructure, would allow the ACCC to form a more informed opinion on policy matters it regulates."*

*"Ongoing communication and engagement sessions. Upcoming changes, support capability and availability."*

*"We need independent assessments of the ACCC's past decisions and whether they have been successful or not. As per the Harper Review there needs to be a reinvigoration of the 'National Competition Council' (or another body as, to date, the NCC has been ineffective) with a more overt approach to assessing the effectiveness of regulation and more directive powers to fix failures in decisions. Better still, it would be great for the ACCC to outline the benefits of a decision and then track metrics to assess if the decision has been successful. There have been a lot of statements made in ACCC press releases when a decision is made that have never come to pass..."*

## 8 ENFORCEMENT

This chapter presents the findings for the Enforcement function area of the ACCC. The Enforcement function relates to the investigation and resolution, including through litigation, of potential breaches by businesses and individuals of the competition, fair trading and consumer protection provisions of the *Competition and Consumer Act 2010*. Overall, 25 online surveys were completed from a potential sample of 119 supplied email addresses. This represents a response rate of 21%.

### 8.1 KPI SUMMARY

The following chart shows the result for the Enforcement function area across each of the six KPIs.

Figure 32: KPI summary chart - Enforcement



QA2, QB2, QC2, QD2, QE2, QF2 Thinking about the statements above as well as any other relevant factors, we would like you to rate the extent to which you agree or disagree with the following...? (unsure/not relevant responses have been excluded from the base)

In terms of the results at the KPI level, more stakeholders agreed than disagreed across five of the six KPIs in around double the proportions. The highest rate of agreement was for KPI 5 - the ACCC is open and transparent in its dealings with regulated entities (54%). A net negative result was seen for KPI 3 – the actions undertaken by the ACCC are proportionate to the regulatory risk being managed (33% agree and 54% disagree, equating to a net –21% score).

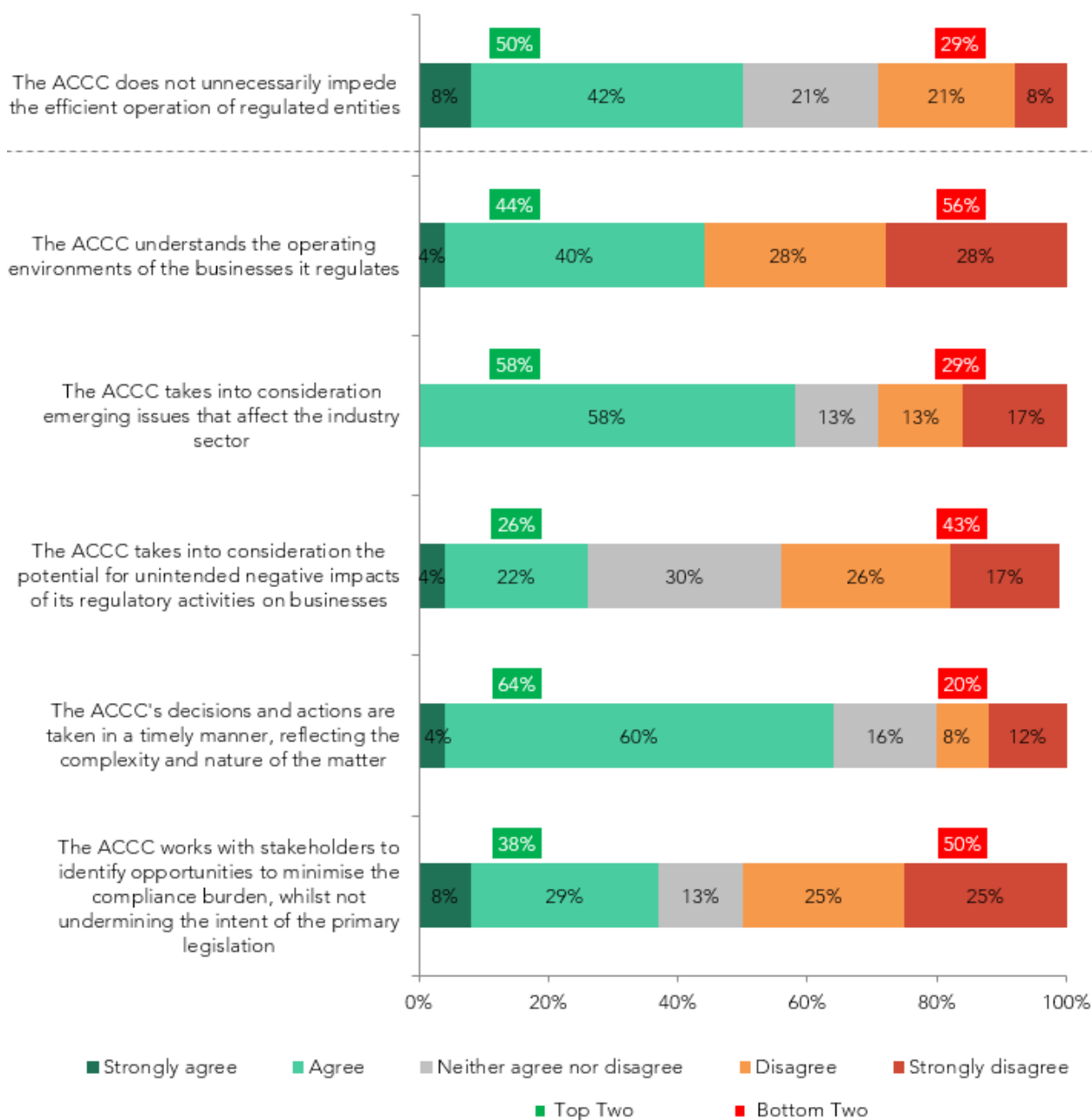
The charts showing the result for the Enforcement function area across each of the six KPIs, comparing 2019 to previous years can be referred to in Appendix C.

Due to the small sample size, none of the differences between 2018 and 2019 are statistically significant.

## 8.2 KPI 1 - ENFORCEMENT

The following chart shows the result for the Enforcement function area for KPI 1 – Regulators do not unnecessarily impede the efficient operation of regulated entities.

Figure 33: KPI 1 - Regulators do not unnecessarily impede the efficient operation of regulated entities - Enforcement



QA1, Firstly thinking about your experience over the past 12 months with the ACCC concerning its Enforcement role, we would like you to rate the extent to which you agree or disagree with the following statements...? (unsure/not relevant responses have been excluded from the base)

Overall, 50% strongly agreed/agreed that the ACCC does not unnecessarily impede the efficient operation of regulated industries, while 29% disagreed/strongly disagreed.

Positively, enforcement respondents were more likely to agree that the ACCC’s decisions and actions are taken in a timely manner reflecting the complexity and nature of the matter (64%) and the ACCC takes into consideration emerging issues that affect the industry sector (58%). That said, Enforcement respondents had reasonably high levels of disagreement across all statements for KPI 1. The ACCC understands the operating environments of the businesses it regulates had the highest level of disagreement (56%), followed by the ACCC

works with stakeholder to identify opportunities to minimise the compliance burden, whilst not undermining the intent of the primary legislation (50%).

### 8.3 KPI 2 - ENFORCEMENT

The following chart shows the result for the Enforcement function area for KPI 2 – Communication with regulated entities is clear, targeted and effective.

Figure 34: KPI 2 – Communication with regulated entities is clear, targeted and effective - Enforcement



QB1. Once again, thinking about your experience over the past 12 months with the ACCC concerning its Enforcement role, we would like you to rate the extent to which you agree or disagree with the following statements...? (unsure/not relevant responses have been excluded from the base)

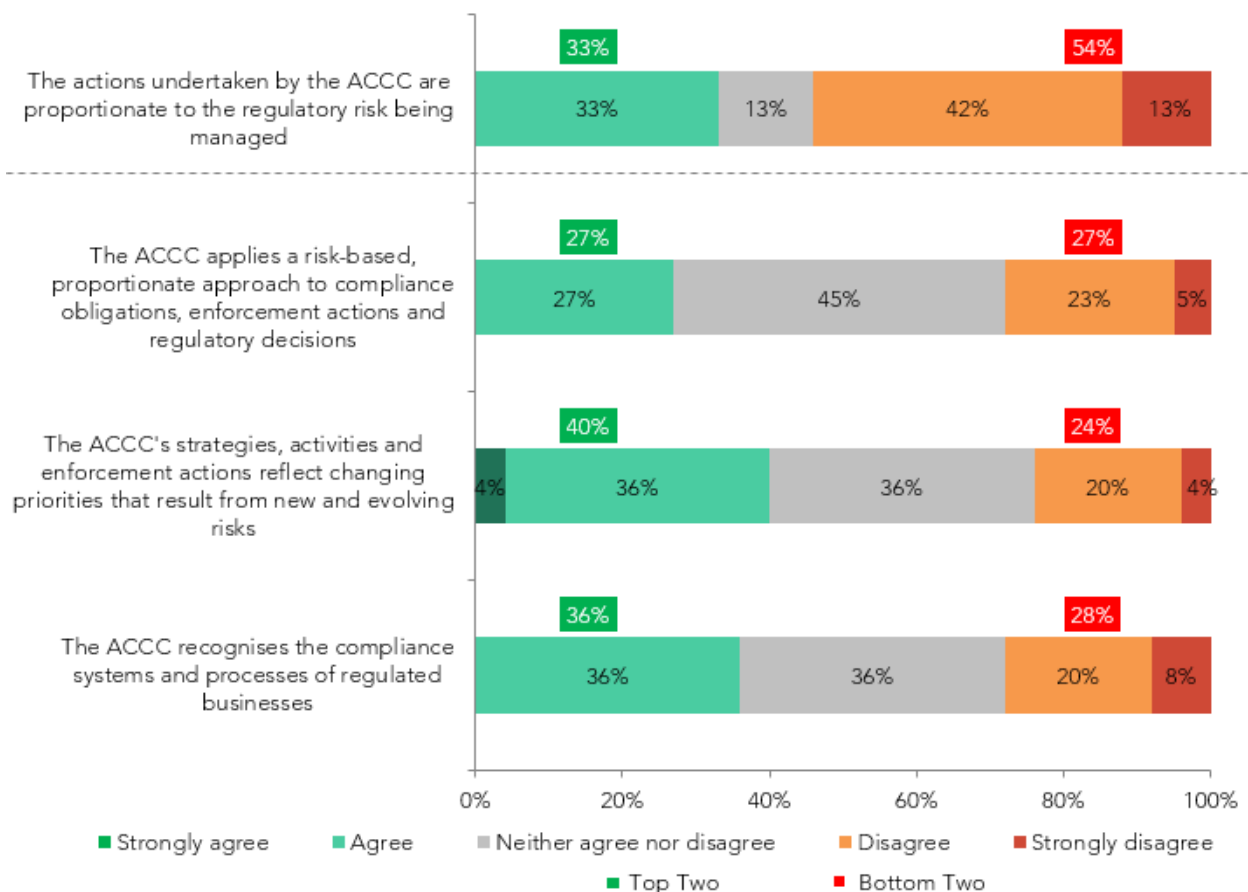
Overall, 48% strongly agreed/agreed that the ACCC’s communication with regulated entities is clear, targeted and effective, while 26% disagreed/strongly disagreed.

In relation to KPI 2, all supporting statement ratings were net positive. Enforcement respondents were most likely to agree that the ACCC provides guidance and information that is ‘up to date’ (63%), in a ‘timely manner’ (63%) and ‘through appropriate media channels (52%)’. However, it is likely that the consistency of its guidance and information in particular (where the disagreement level was 35%) had an impact on the overall KPI.

### 8.4 KPI 3 - ENFORCEMENT

The following chart shows the result for the Enforcement function area for KPI 3 – Actions undertaken by regulators are proportionate to the regulatory risk being managed.

**Figure 35: KPI 3 – Actions undertaken by regulators are proportionate to the regulatory risk being managed - Enforcement**



QC1, Once again, thinking about your experience over the past 12 months with the ACCC concerning its Enforcement role, we would like you to rate the extent to which you agree or disagree with the following statements...? (unsure/not relevant responses have been excluded from the base)

Overall, 33% strongly agreed/agreed that the actions undertaken by the ACCC are proportionate to the regulatory risk being managed, while 54% disagreed/strongly disagreed.

Of the three supporting statements, Enforcement respondents were most likely to agree that the ACCC’s strategies, activities and enforcement actions reflect changing priorities that result from new and evolving risks



(40%). It is worth noting that the proportion of respondents who disagreed with the supporting statements for KPI 3 were substantially lower than for the KPI overall.

## 8.5 KPI 4 - ENFORCEMENT

The following chart shows the result for the Enforcement function area for KPI 4 – Compliance and monitoring approaches are streamlined and coordinated.

**Figure 36: KPI 4 – Compliance and monitoring approaches are streamlined and coordinated- Enforcement**



*QD1, Once again, thinking about your experience over the past 12 months with the ACCC concerning its Enforcement role, we would like you to rate the extent to which you agree or disagree with the following statements...? (unsure/not relevant responses have been excluded from the base)*

Overall, 33% strongly agreed/agreed that the ACCC’s compliance and monitoring approaches are streamlined and coordinated, while 19% disagreed/strongly disagreed.

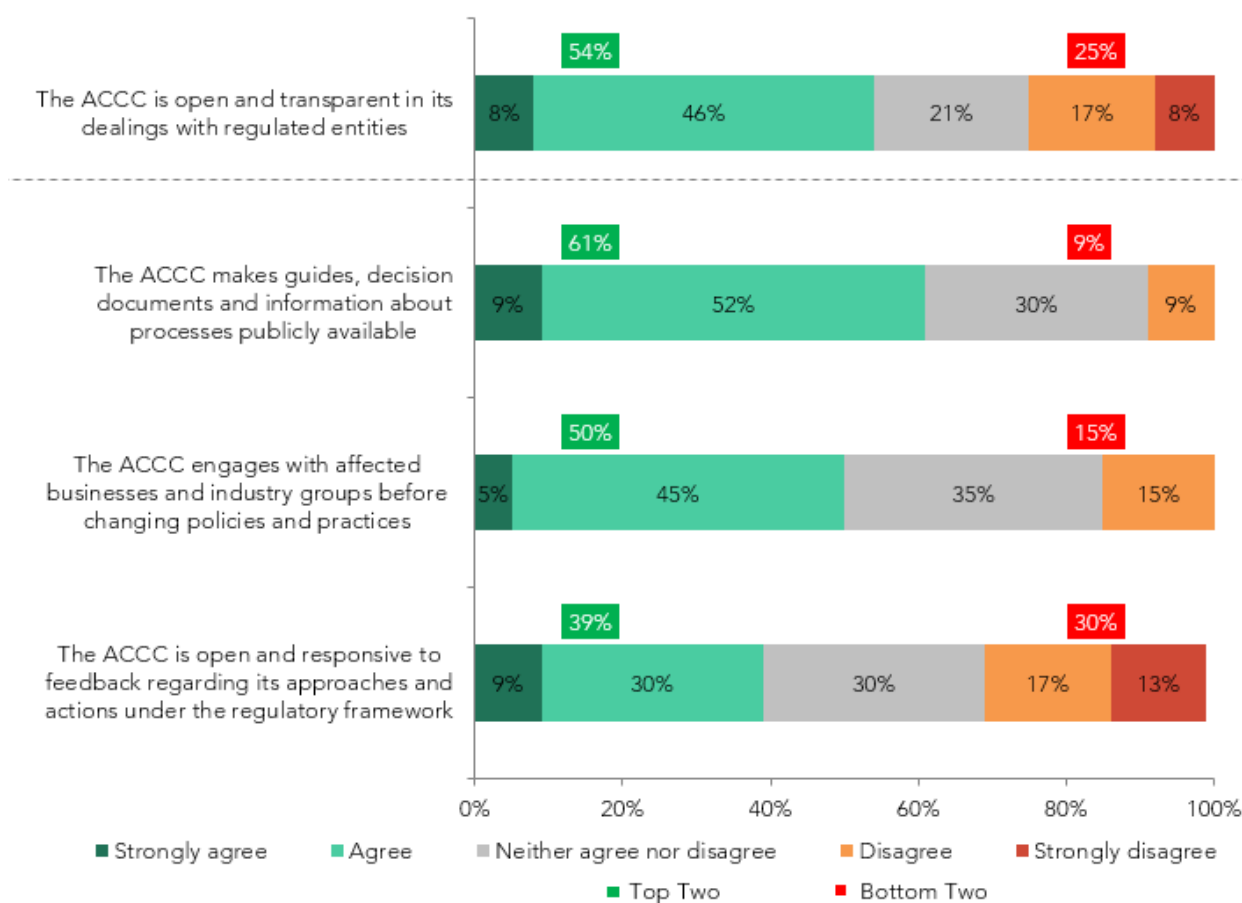
All but one of the four supporting statements were net positive, with the ACCC’s information requests being tailored to a specific matter receiving the highest level of agreement (68%). It appears the overall KPI agreement result could be driven by Enforcement respondents’ high levels of disagreement with the statement

that the ACCC takes into consideration operational needs or regulated businesses when monitoring their activities (52% disagreement).

## 8.6 KPI 5 - ENFORCEMENT

The following chart shows the result for the Enforcement function area for KPI 5 – Regulators are open and transparent in their dealings with regulated entities.

**Figure 37: KPI 5 – Regulators are open and transparent in their dealings with regulated entities - Enforcement**



*QEI, Once again, thinking about your experience over the past 12 months with the ACCC concerning its Enforcement role, we would like you to rate the extent to which you agree or disagree with the following statements...? (unsure/not relevant responses have been excluded from the base)*

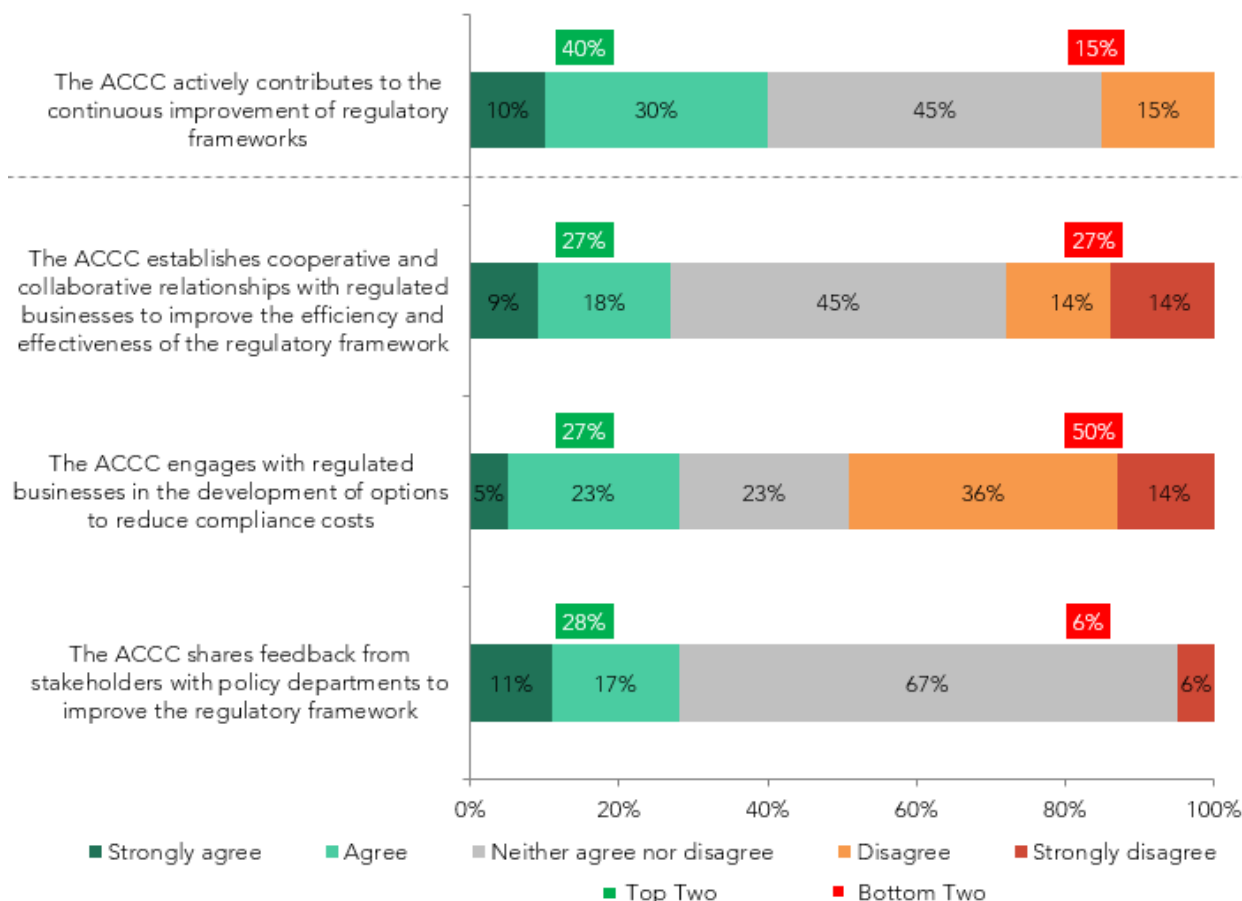
Overall, 54% strongly agreed/agreed that the ACCC is open and transparent in its dealings with regulated entities, while 25% disagreed/strongly disagreed.

All results for KPI 5 supporting statements were net positive. The highest level of agreement was seen for the ACCC making guides, decision documents and information about processes publicly available (61% agreed). However, the overall KPI 5 agreement rating may have been tempered by disagreement that the ACCC is open and responsive to feedback regarding its approaches and actions under the regulatory framework (30% disagreed).

## 8.7 KPI 6 - ENFORCEMENT

The following chart shows the result for the Enforcement function area for KPI 6 – Regulators actively contribute to the continuous improvement or regulatory frameworks.

**Figure 38: KPI 6 – Regulators actively contribute to the continuous improvement of regulatory frameworks - Enforcement**



*QFI, Once again, thinking about your experience over the past 12 months with the ACCC concerning its Enforcement role, we would like you to rate the extent to which you agree or disagree with the following statements...? (unsure/not relevant responses have been excluded from the base)*

Overall, 40% strongly agreed/agreed that the ACCC actively contributes to the continuous improvement of regulatory frameworks, while 15% disagreed/strongly disagreed.

Of the three supporting statements, one was net positive, one neutral and the other net negative, yet agreement rates were 27% to 28% for all three. The variation in results was found in the disagreement (and neutral) rates. Only 6% disagreed that the ACCC shares feedback from stakeholders with policy departments to improve the regulatory framework (two-thirds of respondents neither agreed nor disagreed (67%)), while half the respondents disagreed that the ACCC engages with regulated businesses in the development of options to reduce compliance costs (50%).

## 8.8 FEEDBACK ON POSITIVE PERFORMANCE, AND SUGGESTIONS FOR IMPROVEMENT

The Enforcement area was described as “*well informed*”, and “*effective*” by stakeholders. A few also mentioned positive interactions with the Enforcement area.

Some stakeholders mentioned wanting additional transparency and more timely responses from the Enforcement area.

### ***Specific aspect of our performance that we do well***

*“Open in its dealings with businesses.”*

*“The ACCC were very understanding about the limited timeframe to provide written responses to their queries as requested and were willing to elongate those time frames and look at alternative ways of gaining access to specific information requested that is collected by a third party.”*

*“The ACCC and its representatives were effective communicators of the ACCC's position.”*

*“In my opinion, the ACCC and its Chairman have been instrumental and very effective in holding Corporate Australia accountable for compliance with the competition and consumer laws and very effective in driving necessary changes to the legislation to ensure that issues such as “unfair contracts” have proportionate and meaningful penalties.”*

*“It engages well with regulated entities.”*

### ***Any specific improvements you would like to suggest***

*“To be much more open and transparent when dealing with possible breaches.”*

*“A more transparent explanation as to why a decision has been reached rather than ‘we are unable to release any detail behind our decision’.”*

*“When an entity is waiting for a response from the ACCC and that response is likely to take some time, it would be useful to receive updates from the regulator.”*

*“Recent events were slow and the department didn't really understand the situation.”*

*“An opportunity for a regulated entity to enter dialogue with the ACCC in order to provide information that will obviate the need for an investigation and so prevent the impact that an investigation has on the operation of the business of the regulated entity.”*

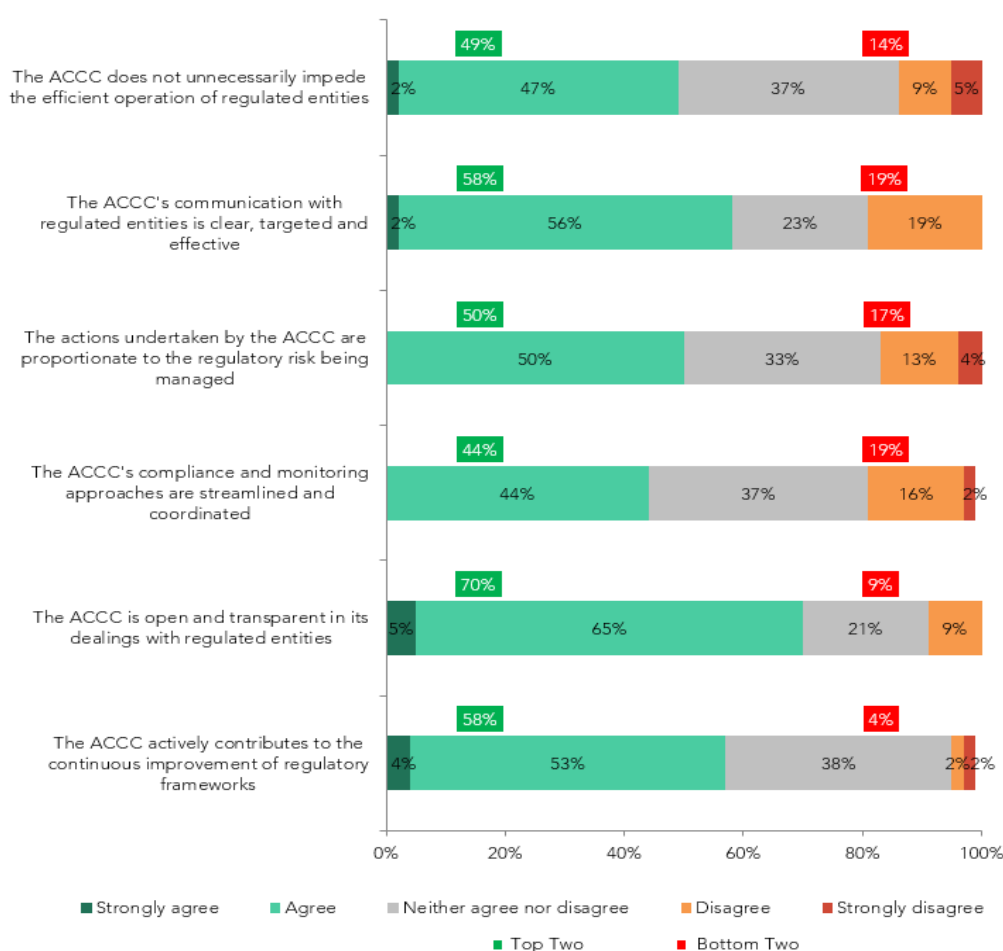
## 9 MARKET STUDIES & INQUIRIES

This chapter presents the findings for the Market Studies & Inquiries function area of the ACCC, which has been included in the survey since 2018. The Market Studies & Inquiries function relates to the ACCC’s use of its legal, economic, investigative and regulatory expertise to conduct in-depth market studies and industry reviews that increase transparency, enhance the ACCC’s enforcement capability, and contribute to the government policy. Market studies and enquiries conducted over the past 12 months include: Digital platforms inquiry; Electricity market monitoring 2018-25; Foreign currency conversion services inquiry; Gas inquiry 2017-20; Northern Australia Insurance inquiry; Residential mortgage products price inquiry; and Wine Grape market study. Overall, 46 online surveys were completed from a potential sample of 173 supplied email addresses. This represents a response rate of 27%.

### 9.1 KPI SUMMARY

This chart shows the result for the Market Studies & Inquiries function area for the six KPIs.

Figure 39: KPI summary chart – Market Studies and Inquiries



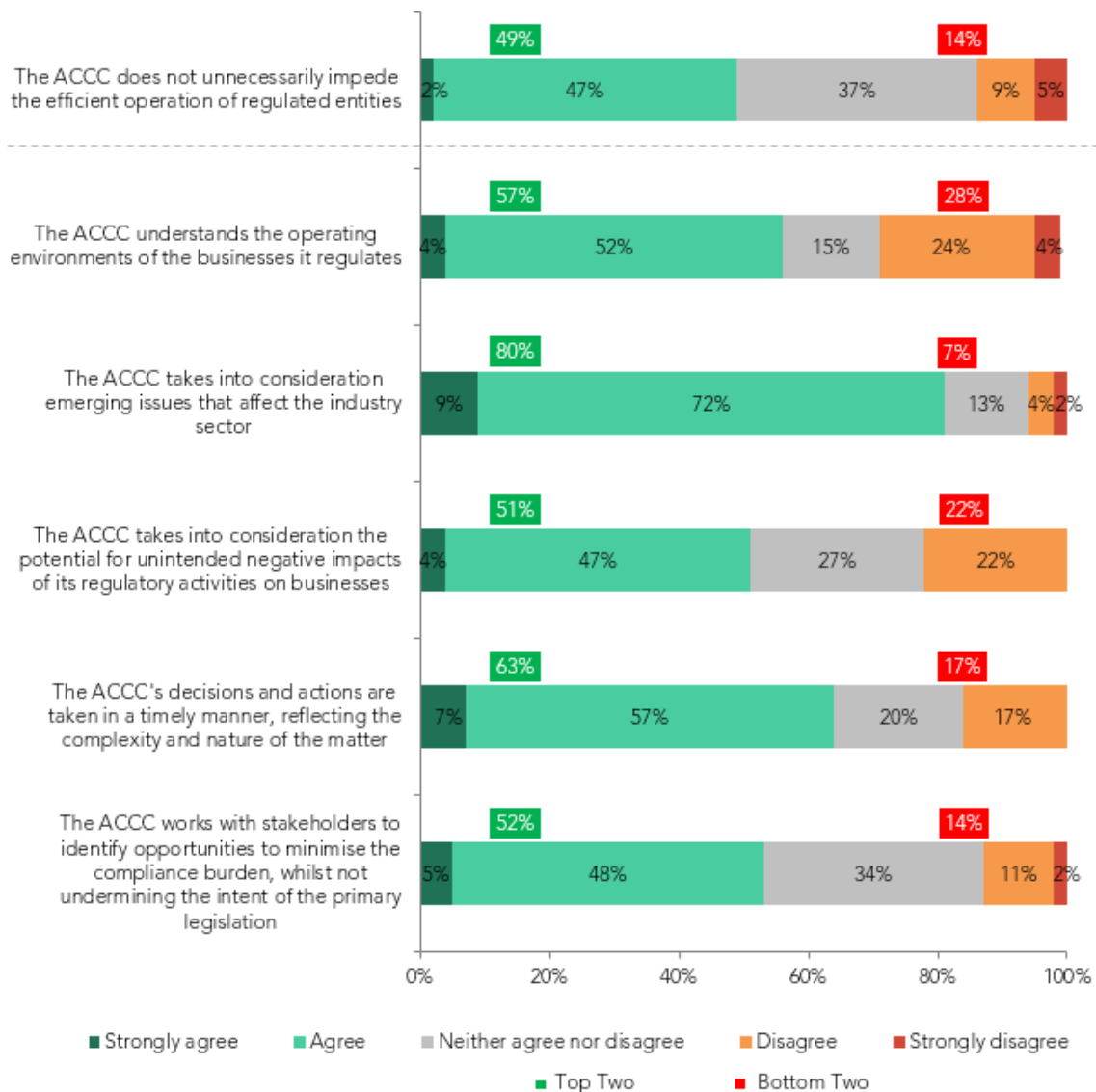
QA2, QB2, QC2, QD2, QE2, QF2 Thinking about the statements above as well as any other relevant factors, we would like you to rate the extent to which you agree or disagree with the following...? (unsure/not relevant responses have been excluded from the base)

In terms of the results at the KPI level, substantially more stakeholders agreed than disagreed across all six KPIs. The highest rates of agreement were for KPI 5 - the ACCC is open and transparent in its dealings with regulated entities (70%), KPI 2 - the ACCC's communication with regulated entities is clear, targeted and effective (58%), and KPI 6 – the ACCC actively contributes to the continuous improvement of regulatory frameworks (58%).

The charts showing the results for the Market Studies and Inquiries function area across each of the six KPIs, comparing 2019 to 2018 can be referred to in Appendix C. There were no statistically significant differences recorded. KPI 1 – Market Studies & Inquiries

The following chart shows the result for the Market Studies & Inquiries function area for KPI 1 – Regulators do not unnecessarily impede the efficient operation of regulated entities.

**Figure 40: KPI 1 - Regulators do not unnecessarily impede the efficient operation of regulated entities – Market Studies & Inquiries**



QA1, Firstly thinking about your experience over the past 12 months with the ACCC concerning its Infrastructure Regulation role, we would like you to rate the extent to which you agree or disagree with the following statements...? (unsure/not relevant responses have been excluded from the base)

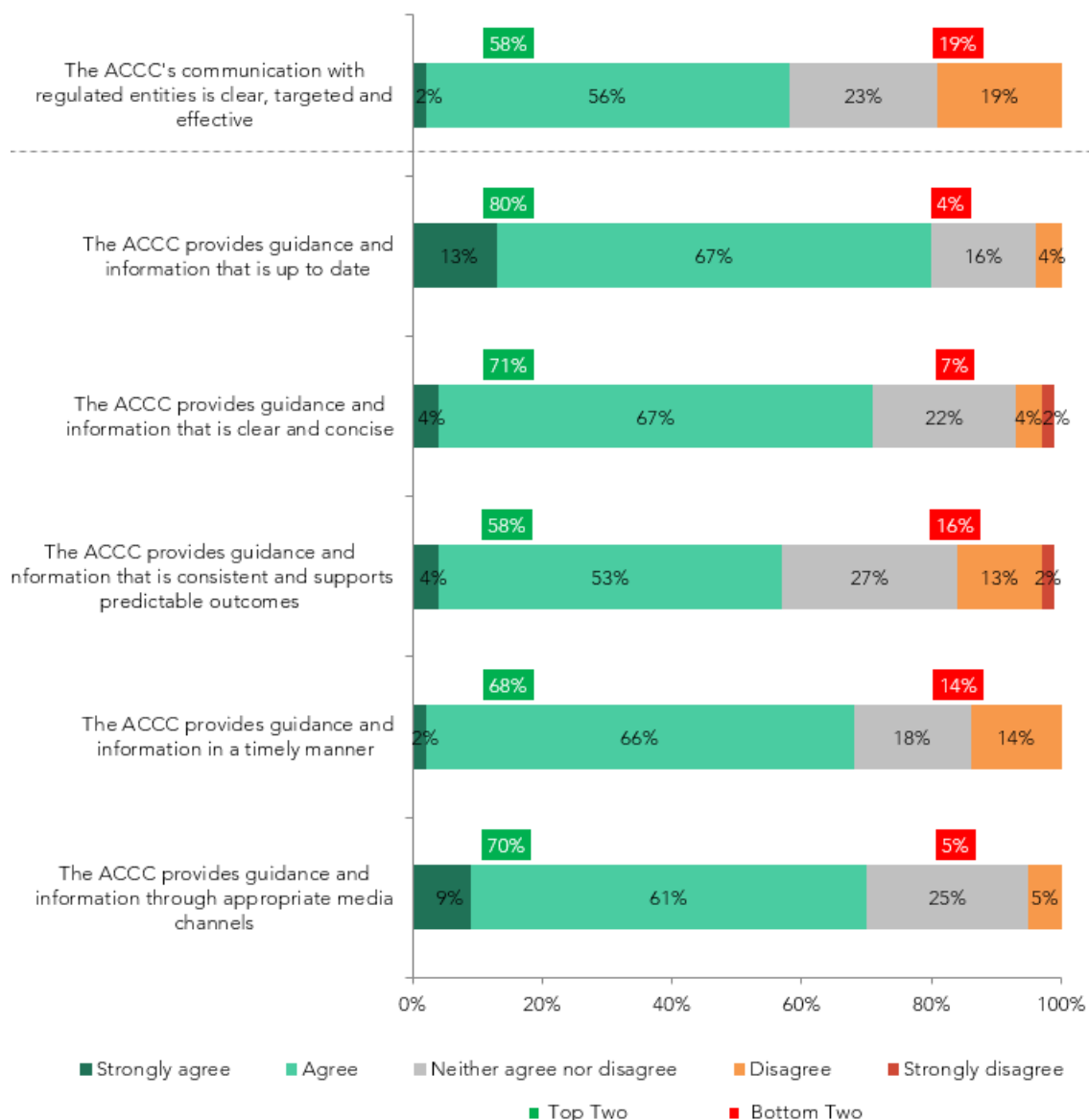
Overall, 49% strongly agreed/agreed that the ACCC does not unnecessarily impede the efficient operation of regulated industries, while 14% disagreed/strongly disagreed.

In relation to KPI 1, while there was some variation in Market Studies & Inquiries respondents' agreement ratings across the five supporting statements, the ratings were all at relatively high levels and the levels of disagreement were not particularly high.

## 9.2 KPI 2 – MARKET STUDIES & INQUIRES

The following chart shows the result for the Market Studies & Inquiries function area KPI 2 – Communication with regulated entities is clear, targeted and effective.

**Figure 41: KPI 2 – Communication with regulated entities is clear, targeted and effective - Market Studies & Inquiries**



QB1, Once again, thinking about your experience over the past 12 months with the ACCC concerning its Market Studies & Inquiries role, we would like you to rate the extent to which you agree or disagree with the following statements...? (unsure/not relevant responses have been excluded from the base)

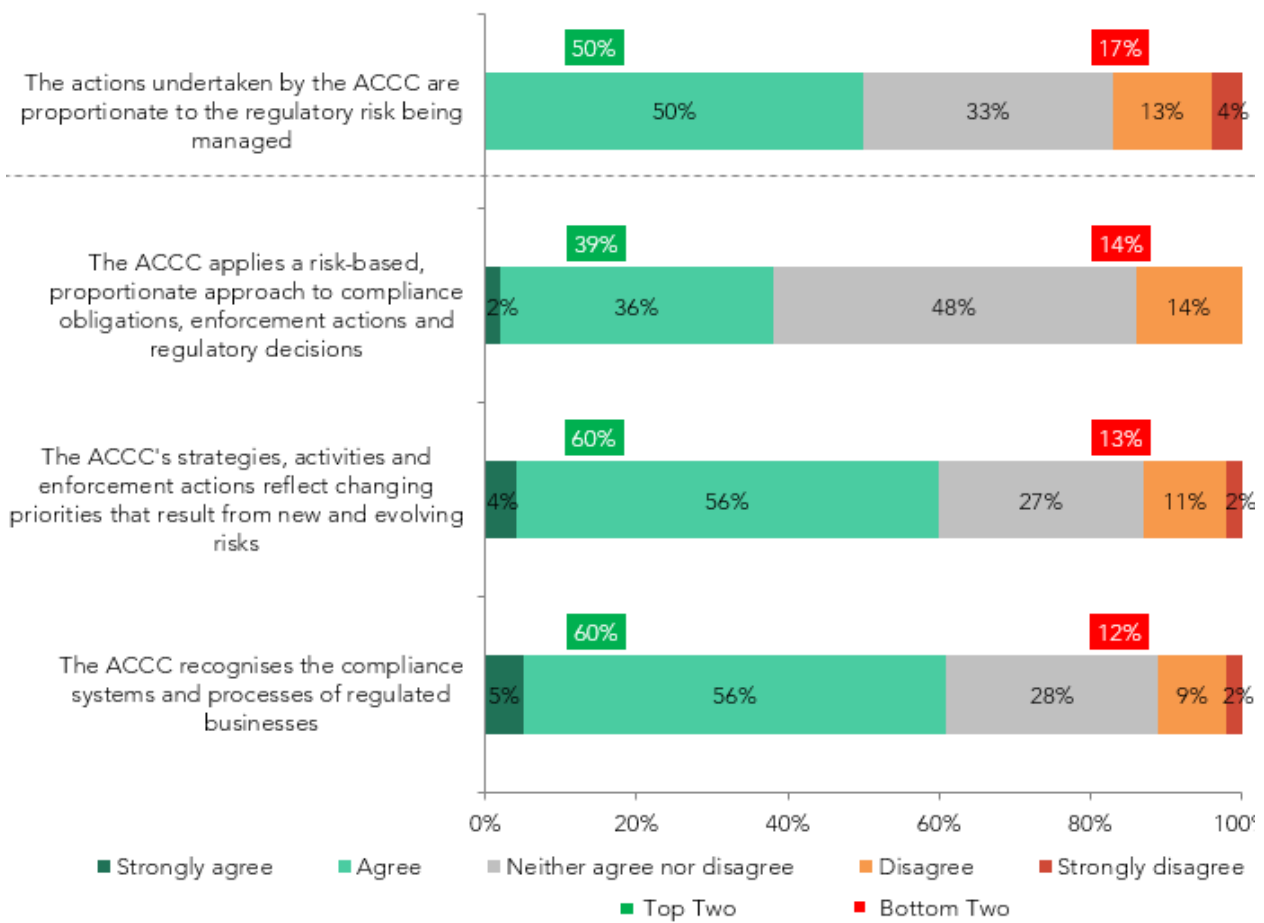
Overall, 58% strongly agreed/agreed that the ACCC’s communication with regulated entities is clear, targeted and effective, while 19% disagreed/strongly disagreed.

In relation to KPI 2, substantially more respondents agreed than disagreed with all five supporting statements. Results were particularly strong in terms of the ACCC providing guidance and information that is up to date (80%).

### 9.3 KPI 3 – MARKET STUDIES & INQUIRIES

The following chart shows the result for the Market Studies & Inquiries function area for KPI 3 – Actions undertaken by regulators are proportionate to the regulatory risk being managed.

**Figure 42: KPI 3 – Actions undertaken by regulators are proportionate to the regulatory risk being managed – Market Studies & Inquiries**



QC1, Once again, thinking about your experience over the past 12 months with the ACCC concerning its Market Studies & Inquiries role, we would like you to rate the extent to which you agree or disagree with the following statements...? (unsure/not relevant responses have been excluded from the base)

Overall, 50% strongly agreed/agreed that the actions undertaken by the ACCC are proportionate to the regulatory risk being managed, while 17% disagreed/strongly disagreed.



The results for the three supporting statements responses were broadly consistent with the results for the overall KPI.

## 9.4 KPI 4 - MARKET STUDIES & INQUIRIES

The following chart shows the result for the Market Studies & Inquiries function area for KPI 4 – Compliance and monitoring approaches are streamlined and coordinated.

**Figure 43: KPI 4 – Compliance and monitoring approaches are streamlined and coordinated- Market Studies & Inquiries**



*QD1, Once again, thinking about your experience over the past 12 months with the ACCC concerning its Market Studies & Inquiries role, we would like you to rate the extent to which you agree or disagree with the following statements...? (unsure/not relevant responses have been excluded from the base)*

Overall, 44% strongly agreed/agreed that the actions undertaken by the ACCC’s compliance and monitoring approaches are streamlined and coordinated, while 19% disagreed/strongly disagreed.

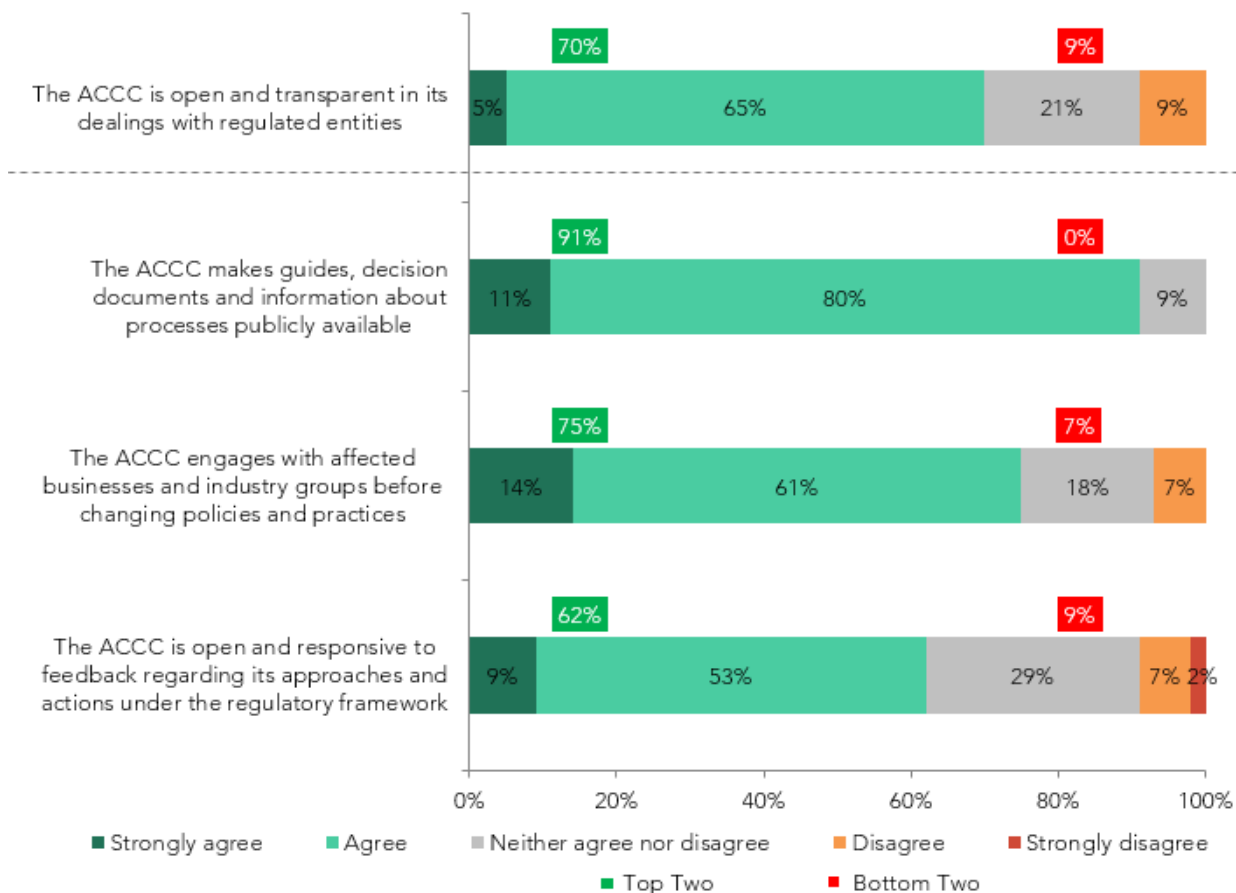
In relation to KPI 4, there was reasonable consistency in Market Studies & Inquiries respondents’ ratings across the four supporting statements and the overall KPI result.

The ACCC making information requests tailored to a specific manner (73% agreement) or only when necessary to achieve regulatory objectives (68% agreed) were rated higher than for the overall KPI.

## 9.5 KPI 5 – MARKET STUDIES & INQUIRIES

The following chart shows the result for the Market Studies & Inquiries function area for KPI 5 – Regulators are open and transparent in their dealings with regulated entities.

**Figure 44: KPI 5 – Regulators are open and transparent in their dealings with regulated entities – Market Studies & Inquiries**



*QEI, Once again, thinking about your experience over the past 12 months with the ACCC concerning its Market Studies & Inquiries role, we would like you to rate the extent to which you agree or disagree with the following statements...? (unsure/not relevant responses have been excluded from the base)*

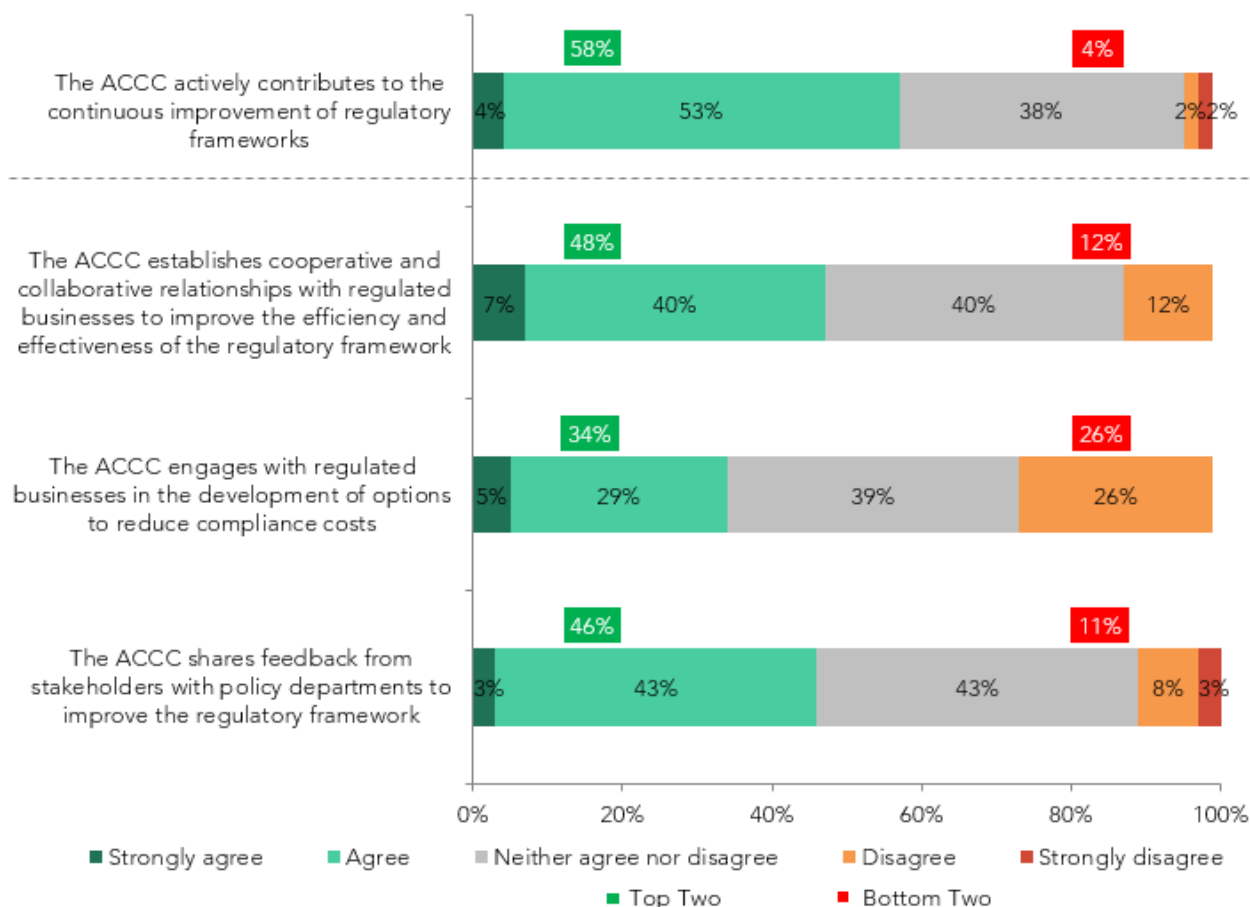
Overall, 70% strongly agreed/agreed that the ACCC is open and transparent in its dealings with regulated entities while 9% disagreed/strongly disagreed.

Positively, Market Studies & Inquiries respondents were also significantly more likely to agree than disagree with the three supporting statements, which is consistent with the overall rating for KPI 5. Respondents were particularly likely to agree that the ACCC makes guides, decision documents and information about processes publicly available (91%) and that it engages with affected businesses and industry groups before changing policies and practices (75%).

## 9.6 KPI 6 – MARKET STUDIES & INQUIRIES

The following chart shows the result for the Market Studies & Inquiries function area for KPI 6 – Regulators actively contribute to the continuous improvement of regulatory frameworks.

Figure 45: KPI 6 – Regulators actively contribute to the continuous improvement of regulatory frameworks – Market Studies & Inquiries



QF1, Once again, thinking about your experience over the past 12 months with the ACCC concerning its Market Studies & Inquiries role, we would like you to rate the extent to which you agree or disagree with the following statements...? (unsure/not relevant responses have been excluded from the base)

Overall, 58% strongly agreed/agreed that the ACCC actively contributes to the continuous improvement of regulatory frameworks, while 4% disagreed/strongly disagreed.

In relation to KPI 6, a net positive result was achieved across the board. The ACCC performed best in terms of establishing cooperative and collaborative relationships with regulated business to improve efficiency and effectiveness of the regulatory framework (48% agreed). There appears to be the most opportunity to improve performance regarding engaging with regulated businesses in the development of options to reduce compliance costs (26% disagreed).

## 9.7 FEEDBACK ON POSITIVE PERFORMANCE AND SUGGESTIONS FOR IMPROVEMENT

Many stakeholders commented that the Market Studies & Inquiries area was “*professional*” and “*reasonable*” in their interactions with them. The area was also commended on its efforts to understand the issues associated with operating within particular industries, and in listening to and engaging with businesses.

Stakeholders wanted to see this engagement and understanding continued and extended, suggesting that the Market Studies & Inquiries area could seek additional input from stakeholders when making recommendations, or proactively visit or speak to stakeholders in industries under review. A few stakeholders thought the ACCC could be more “*sensitive*” to the “*burden*” that its investigations placed on businesses.

### ***Any specific aspect of our performance that we do well***

*“The ACCC is accessible to small businesses. It is able to grasp the causes of the problem faced by manufacturing companies due to high prices of natural gas.”*

*“I think the staff that I have dealt with over the last year have all been very approachable and practical.”*

*“The ACCC were approachable and courteous during discussions regarding the market study. They seemed to genuinely want to understand what could be done to improve the customer experience.”*

*“The ACCC has a very good understanding of financial services. It is the most efficient regulator to deal with.”*

*“I've engaged with ACCC officers regarding the Wine Industry Market Study. I believe they have actively listened and asked appropriate questions, not merely about identified issues but more broadly about the wine industry to establish appropriate context.”*

### ***Any specific improvements you would like to suggest***

*“Spend more time out in the industries it is reviewing and have direct discussions with the participants. A lot more can be gleaned from a discussion than a survey or formal submission or legally based information request.”*

*“The ACCC publication of LNG netback pricing has presented unintended consequences for major gas users, as the timing of the release was a time where oil prices were very high and the netback calculation resulted in a very high wholesale gas price. As a result, all STTM pricing and wholesale gas offers were immediately increased. This is one of the few examples that we can think of where there was limited industry/end user input into the potential risks of the outcome of the ACCC initiative.”*

*“Further engagement with companies to better understand how they operate and the real world, commercial, market challenges they face.”*

*“Improved two-way relationship in the preparation of positions, studies and recommendations, to prevent unintended consequences.”*

*“ACCC should be more conscious of the burden placed on regulated entities with respect to some of its investigations. Any requests for information should be focused and targeted and this could be achieved with more consultation.”*

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## APPENDIX B: KPI SUMMARY TABLES

Tables 4 provides a summary of the key results for 2019 for each KPI across the six functions.

The **green** number is the combined ‘strongly agree’ and ‘agree’ scores. The **red** number is the combined ‘disagree’ and ‘strongly disagree’ score. The **black** number in brackets is the ‘net score’. The ‘net score’ has been calculated for each KPI by subtracting the total disagree score from the total agree score.

The comparable tables from the previous three surveys are reproduced below in Tables 5 to 7.

**Table 4: KPI summary table, 2019 results – All function areas**

	Merger and Authorisation Review %	Small Business %	Product Safety %	Infrastructure Regulation %	Enforcement %	Market Studies & Inquiries %
KPI 1: The ACCC does not unnecessarily impede the efficient operation of regulated entities	46 / 14 (+32)	43 / 29 (+14)	57 / 15 (+42)	54 / 29 (+25)	50 / 29 (+21)	49 / 14 (+35)
KPI 2: The ACCC's communication with regulated entities is clear, targeted and effective	78 / 7 (+71)	54 / 22 (+32)	62 / 13 (+49)	67 / 7 (+60)	48 / 26 (+22)	58 / 19 (+39)
KPI 3: The actions undertaken by the ACCC are proportionate to the regulatory risk being managed	39 / 14 (+25)	39 / 45 (-6)	63 / 14 (+49)	61 / 21 (+40)	33 / 54 (-21)	50 / 17 (+33)
KPI 4: The ACCC's compliance and monitoring approaches are streamlined and coordinated	41 / 7 (+34)	37 / 31 (+6)	48 / 12 (+36)	32 / 29 (+3)	33 / 19 (+14)	44 / 19 (+25)
KPI 5: The ACCC is open and transparent in its dealings with regulated entities	63 / 7 (+54)	54 / 25 (+29)	65 / 8 (+57)	62 / 12 (+50)	54 / 25 (+29)	70 / 9 (+61)
KPI 6: The ACCC actively	67 / 11	63 / 21	55 / 9	46 / 12	40 / 15	58 / 4

	Merger and Authorisation Review %	Small Business %	Product Safety %	Infrastructure Regulation %	Enforcement %	Market Studies & Inquiries %
contributes to the continuous improvement of regulatory frameworks	(+56)	(+42)	(+46)	(+34)	(+25)	(+54)

Table 5: KPI summary table, 2018 results – All function areas

	Merger and Authorisation Review %	Small Business %	Product Safety %	Infrastructure Regulation %	Enforcement %	Market Studies & Inquiries %
KPI 1: The ACCC does not unnecessarily impede the efficient operation of regulated entities	54 / 14 (+40)	63 / 16 (+47)	64 / 16 (+48)	52 / 27 (+25)	53 / 24 (+29)	66 / 13 (+53)
KPI 2: The ACCC's communication with regulated entities is clear, targeted and effective	70 / 12 (+58)	71 / 15 (+56)	71 / 12 (+59)	53 / 26 (+27)	71 / 24 (+47)	65 / 15 (+50)
KPI 3: The actions undertaken by the ACCC are proportionate to the regulatory risk being managed	57 / 15 (+42)	56 / 28 (+25)	63 / 18 (+45)	51 / 34 (+17)	56 / 25 (+31)	51 / 23 (+28)
KPI 4: The ACCC's compliance and monitoring approaches are streamlined and coordinated	54 / 18 (+36)	50 / 20 (+30)	60 / 17 (+43)	37 / 40 (-3)	47 / 20 (+27)	53 / 17 (+36)
KPI 5: The ACCC is open and transparent in its dealings with regulated entities	74 / 9 (+65)	59 / 19 (+40)	62 / 12 (+50)	60 / 14 (+46)	69 / 25 (+44)	68 / 12 (+56)
KPI 6: The ACCC actively contributes to	63 / 8 (+55)	66 / 14 (+52)	53 / 14 (+39)	46 / 29 (+17)	50 / 25 (+25)	57 / 17 (+40)

	Merger and Authorisation Review %	Small Business %	Product Safety %	Infrastructure Regulation %	Enforcement %	Market Studies & Inquiries %
the continuous improvement of regulatory frameworks						

**Table 6: KPI summary table, 2017 results – All function areas**

	Merger and Authorisation Review %	Small Business %	Product Safety %	Infrastructure Regulation %	Enforcement %
KPI 1: The ACCC does not unnecessarily impede the efficient operation of regulated entities	64 / 9 (+55)	66 / 14 (+52)	71 / 6 (+65)	46 / 37 (+9)	59 / 22 (+37)
KPI 2: The ACCC's communication with regulated entities is clear, targeted and effective	61 / 12 (+49)	64 / 12 (+52)	68 / 8 (+60)	54 / 11 (+43)	66 / 22 (+44)
KPI 3: The actions undertaken by the ACCC are proportionate to the regulatory risk being managed	53 / 18 (+35)	51 / 22 (+29)	61 / 11 (+50)	42 / 21 (+21)	55 / 23 (+32)
KPI 4: The ACCC's compliance and monitoring approaches are streamlined and coordinated	50 / 21 (+29)	48 / 20 (+28)	56 / 12 (+44)	51 / 29 (+22)	42 / 23 (+19)
KPI 5: The ACCC is open and transparent in its dealings with regulated entities	58 / 12 (+46)	63 / 13 (+50)	68 / 7 (+61)	58 / 19 (+39)	59 / 22 (+37)

	Merger and Authorisation Review %	Small Business %	Product Safety %	Infrastructure Regulation %	Enforcement %
KPI 6: The ACCC actively contributes to the continuous improvement of regulatory frameworks	48 / 7 (+41)	57 / 19 (+38)	54 / 8 (+46)	42 / 19 (+23)	52 / 19 (+33)

Table 7: KPI summary table, 2016 results – All function areas

	Merger and Authorisation Review %	Small Business %	Product Safety %	Infrastructure Regulation %	Enforcement %
KPI 1: The ACCC does not unnecessarily impede the efficient operation of regulated entities	47 / 21 (+26)	53 / 13 (+40)	65 / 11 (+54)	48 / 16 (+32)	29 / 43 (-14)
KPI 2: The ACCC's communication with regulated entities is clear, targeted and effective	52 / 16 (+36)	59 / 13 (+46)	64 / 13 (+51)	68 / 13 (+55)	40 / 33 (+7)
KPI 3: The actions undertaken by the ACCC are proportionate to the regulatory risk being managed	42 / 21 (+21)	44 / 21 (+23)	57 / 14 (+44)	32 / 19 (+13)	38 / 38 (+0)
KPI 4: The ACCC's compliance and monitoring approaches are streamlined and coordinated	33 / 14 (+19)	36 / 18 (+18)	51 / 15 (+43)	52 / 26 (+26)	29 / 50 (-21)
KPI 5: The ACCC is open and transparent in its dealings with regulated entities	59 / 11 (+48)	50 / 20 (+30)	60 / 8 (+52)	71 / 6 (+65)	25 / 42 (-17)
KPI 6: The ACCC actively contributes to the continuous improvement of regulatory frameworks	43 / 11 (+32)	53 / 16 (+37)	45 / 12 (+27)	37 / 27 (+10)	30 / 40 (-10)

## APPENDIX C: 2019 RESULTS VERSUS PREVIOUS YEARS

Figure 46: KPI comparison summary chart (KPI 1 to 3) - Merger and Authorisation Review

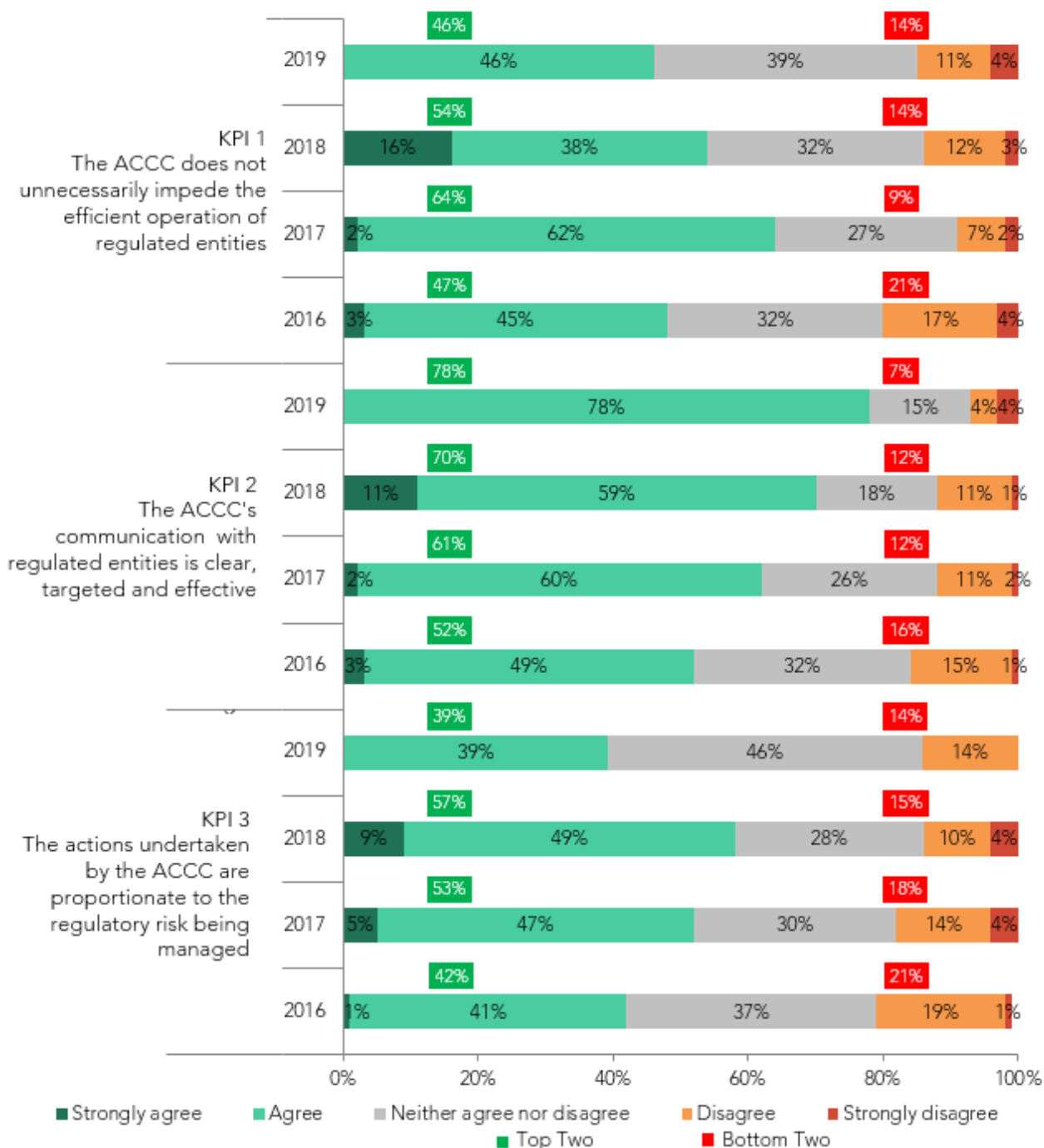


Figure 47: KPI comparison summary chart (KPI 4 to 6) - Merger and Authorisation Review

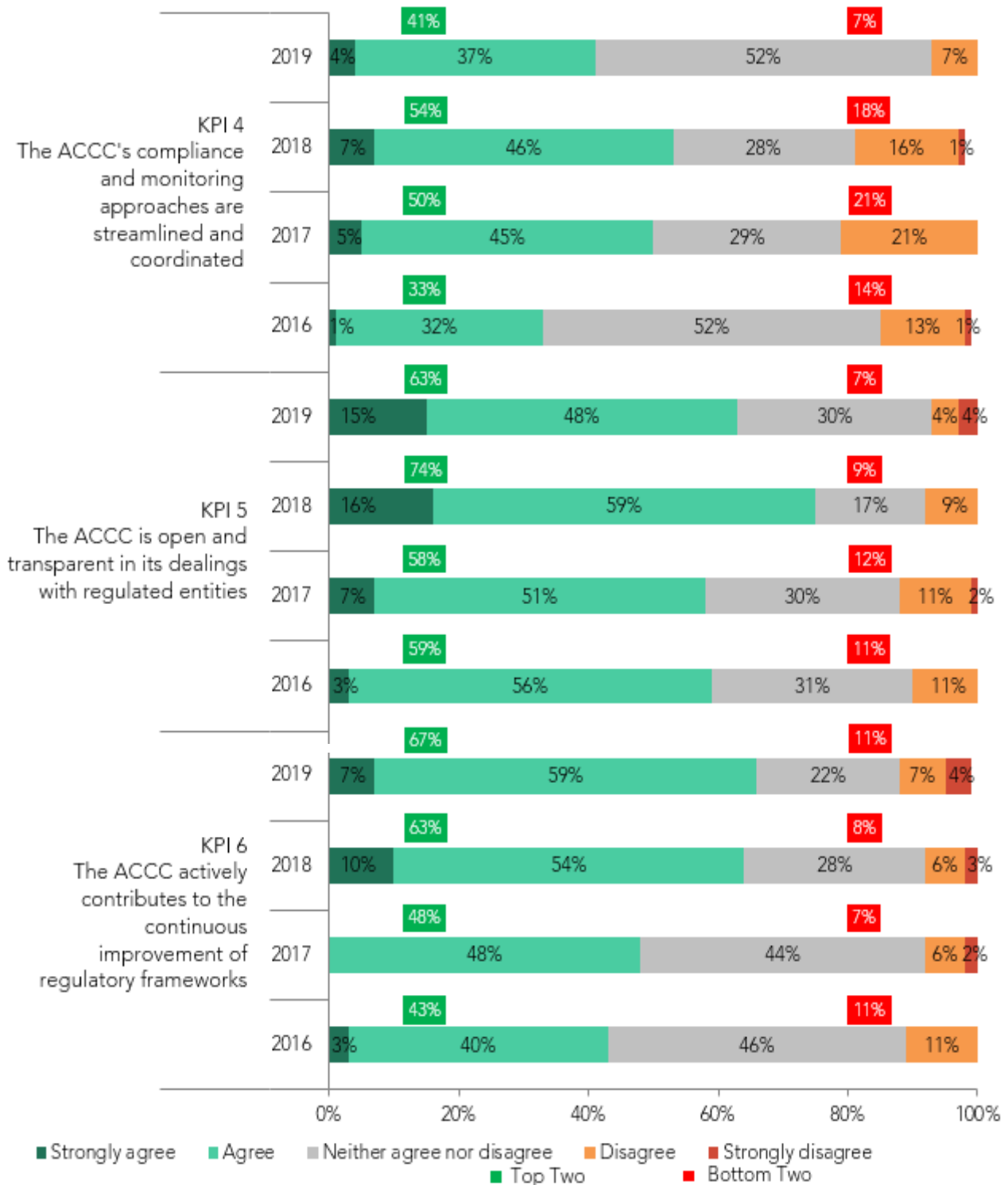




Figure 48: KPI comparison summary chart (KPI 1 to 3) – Small Business

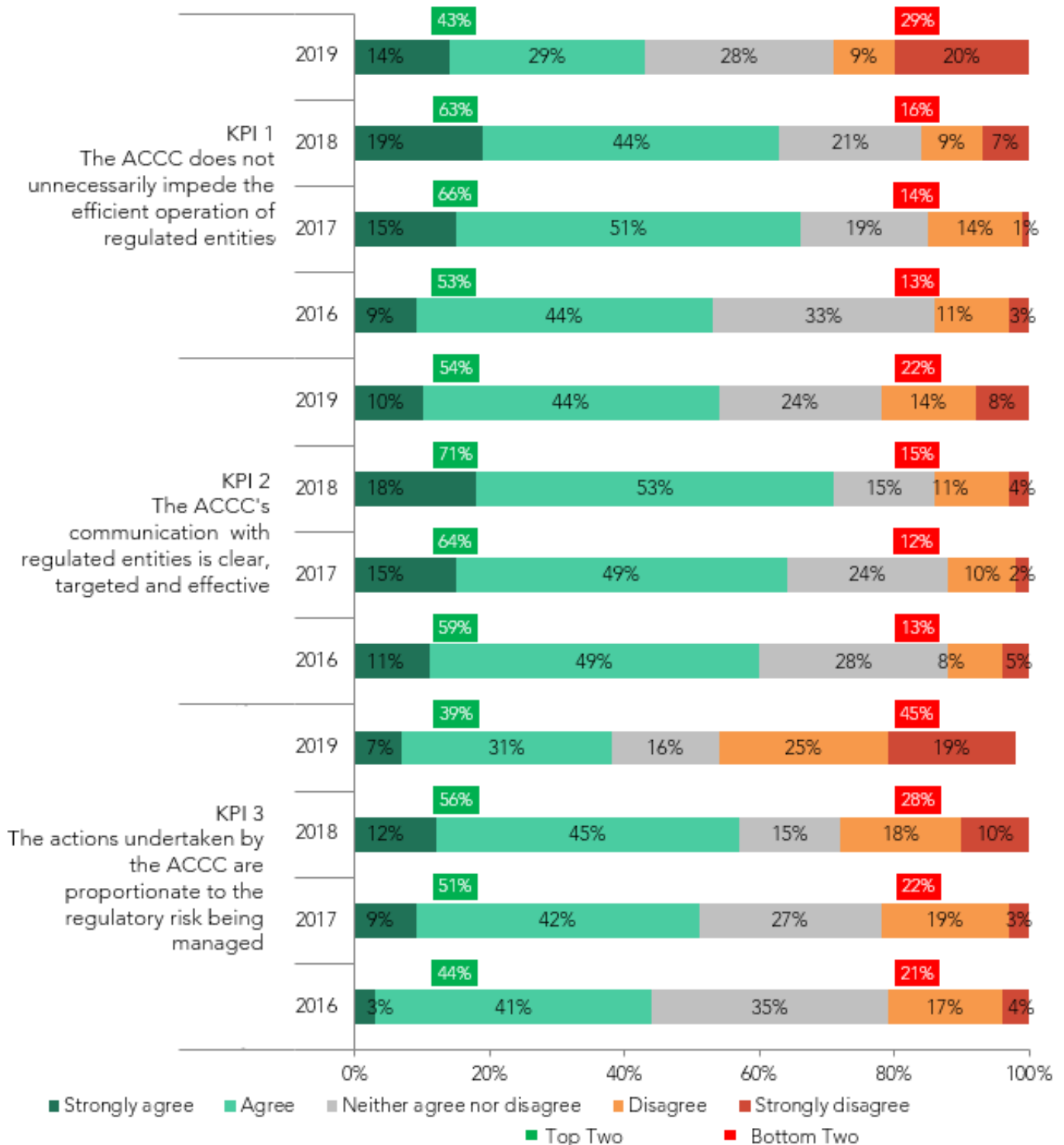


Figure 49: KPI comparison summary chart (KPI 4 to 6) – Small Business

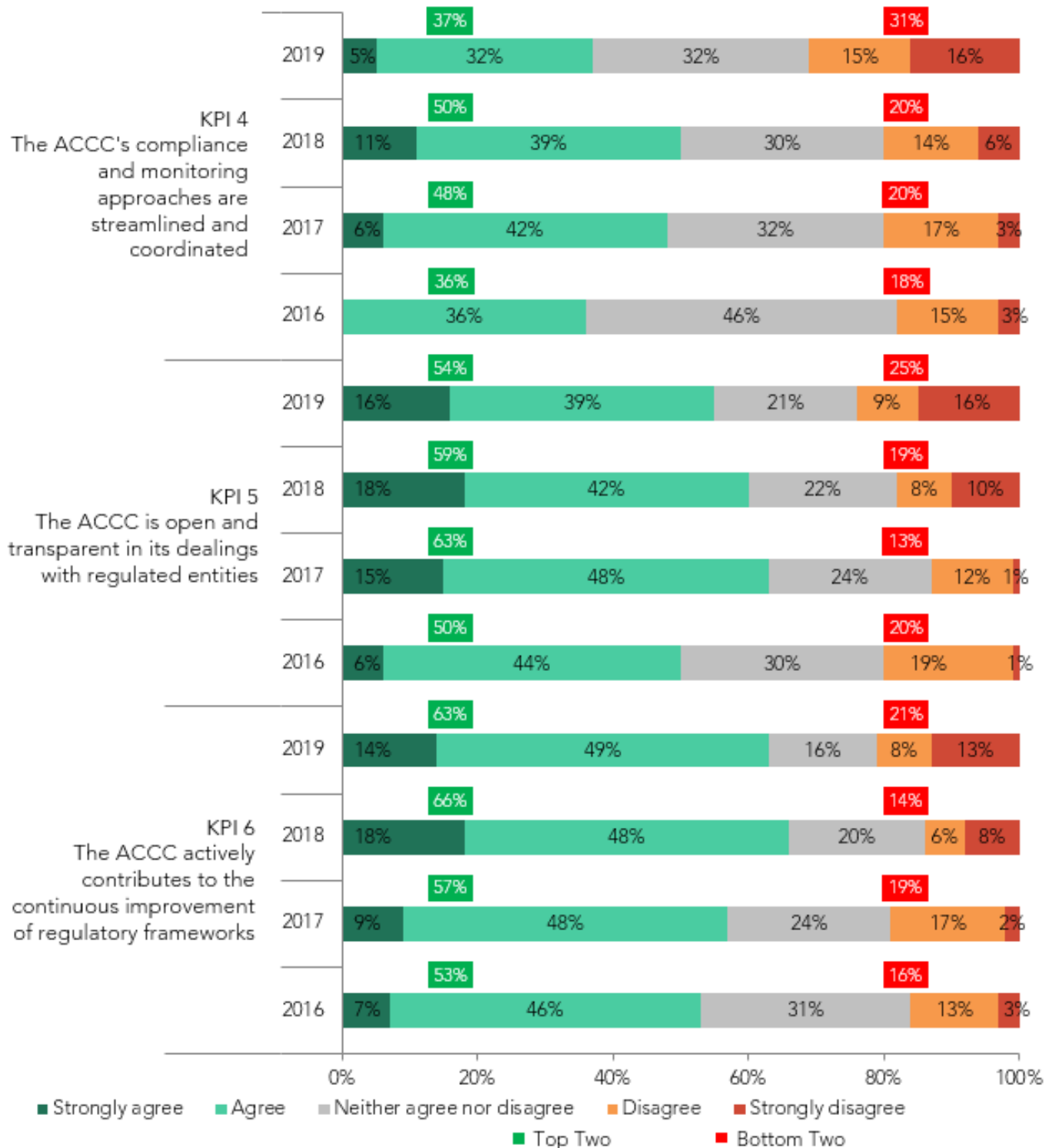


Figure 50: KPI comparison summary chart (KPI 1 to 3) – Product Safety

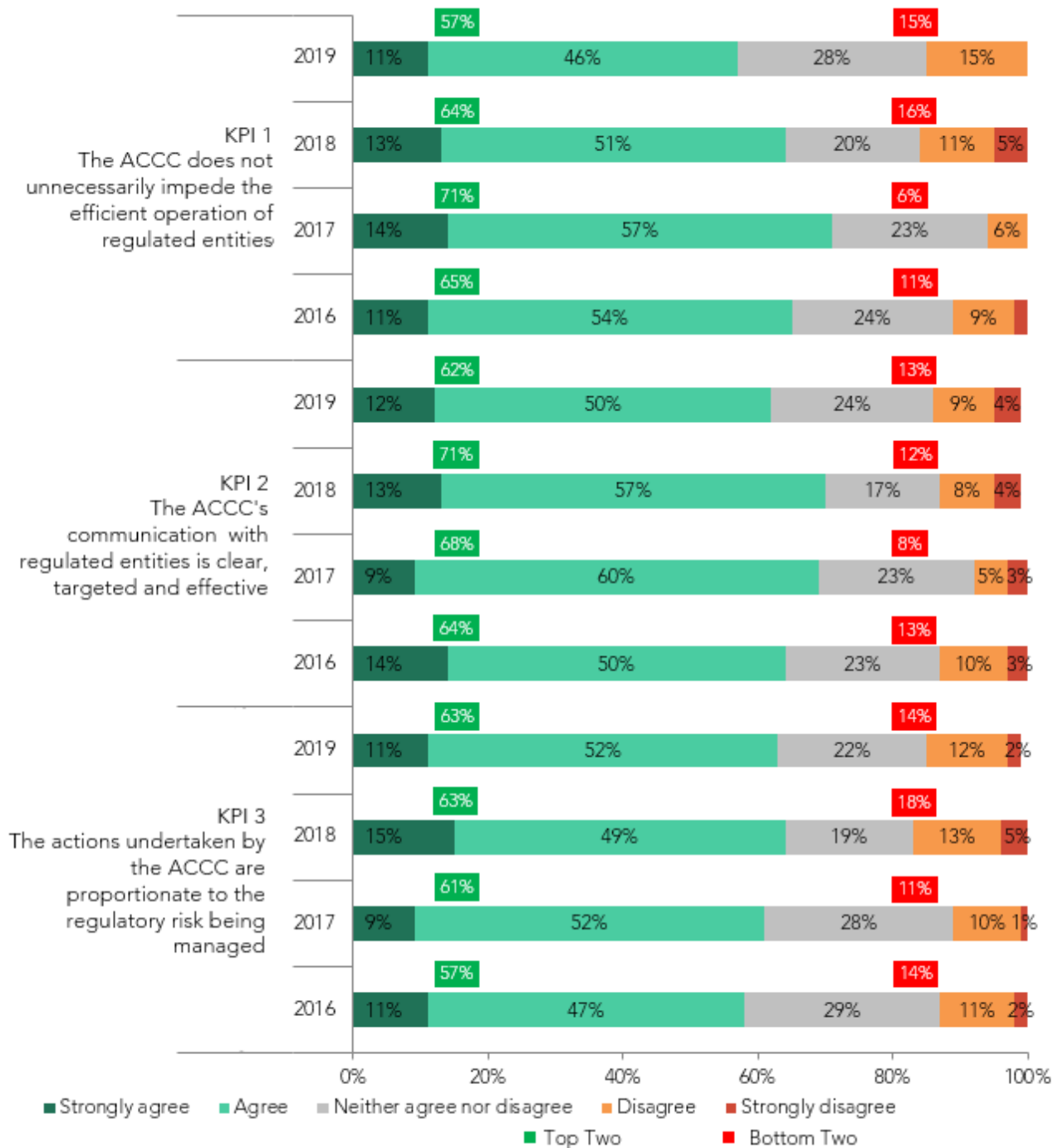


Figure 51: KPI comparison summary chart (KPI 4 to 6) – Product Safety

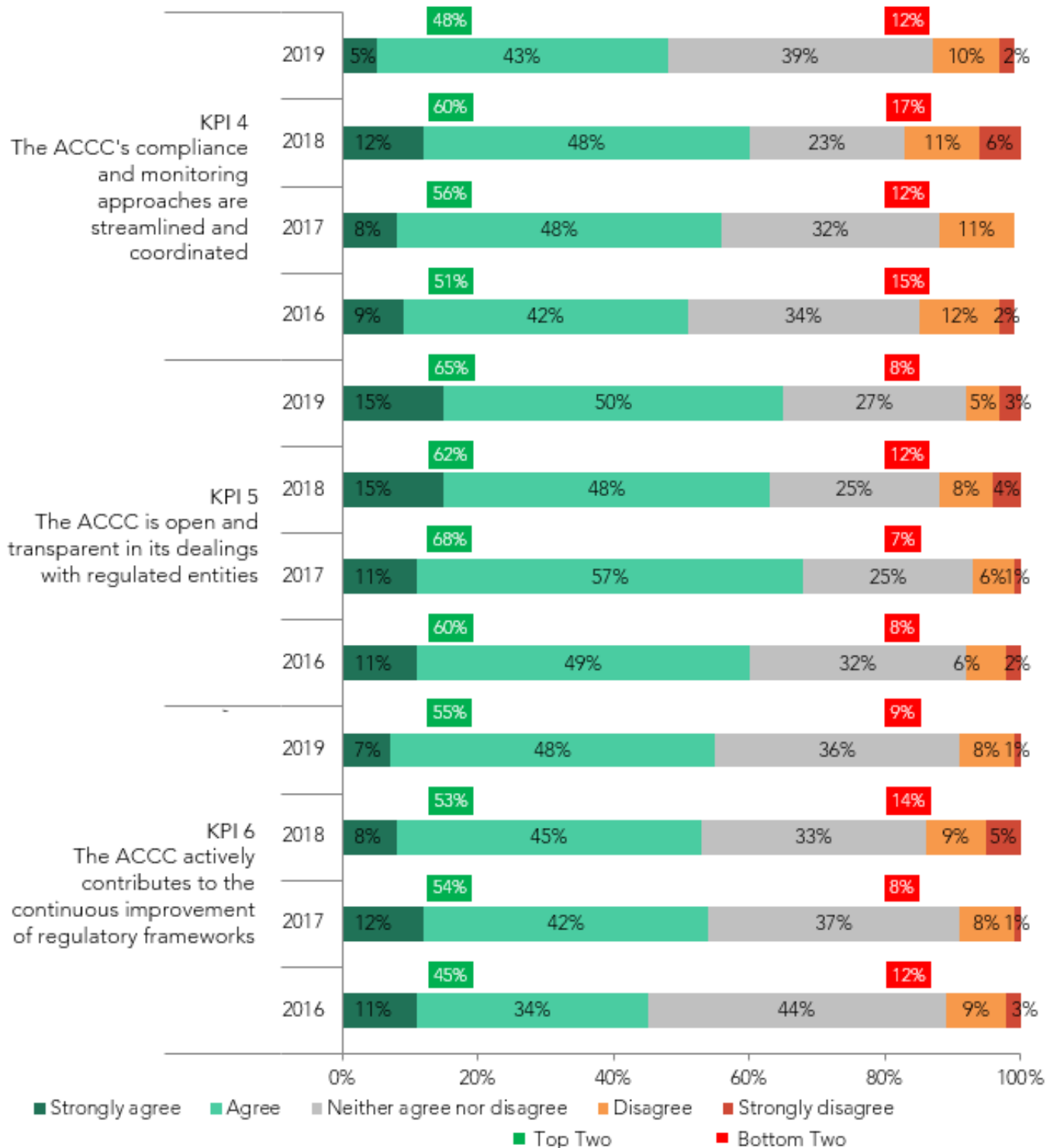


Figure 52: KPI comparison summary chart (KPI 1 to 3) - Infrastructure Regulation

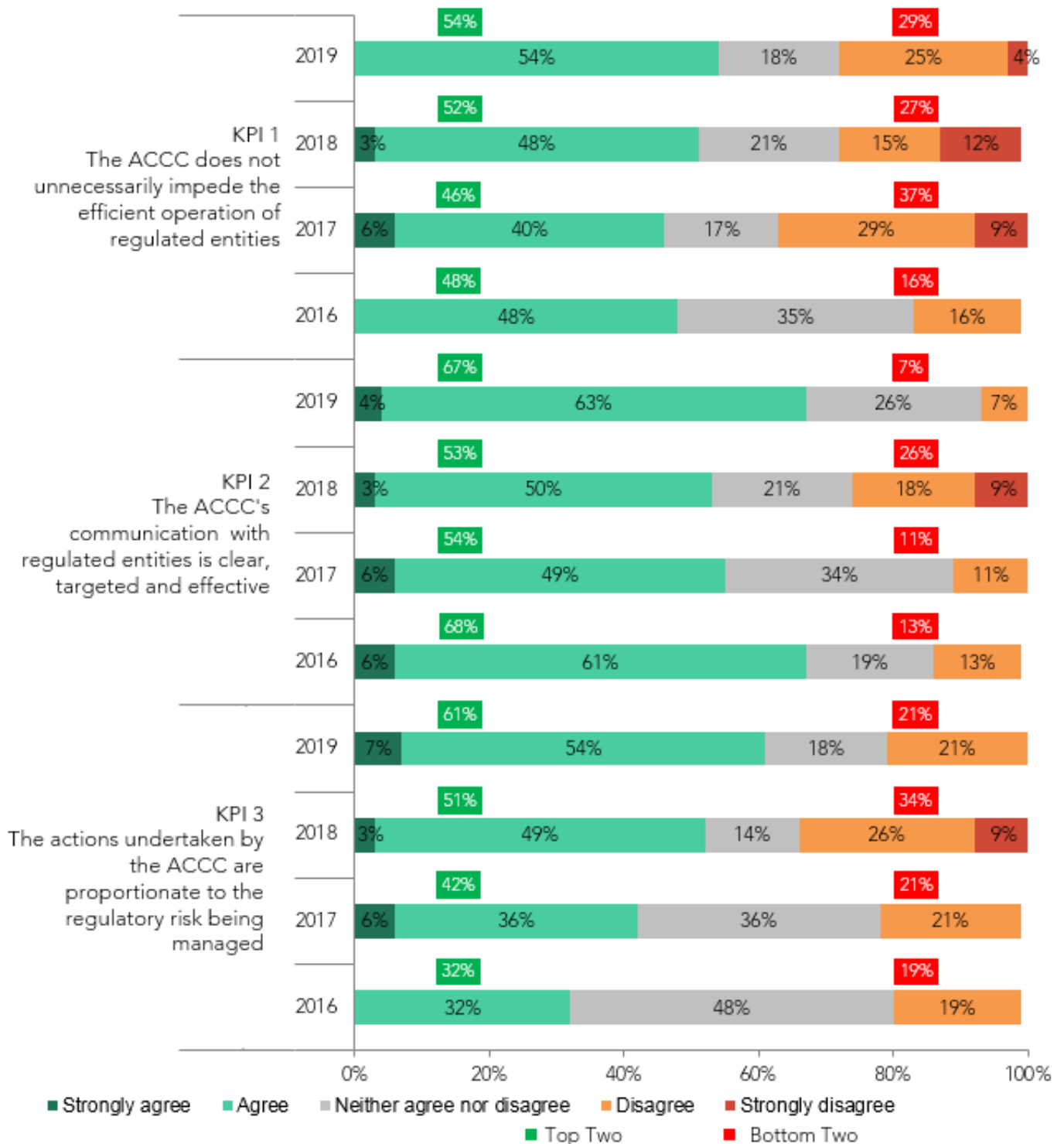


Figure 53: KPI comparison summary chart (KPI 4 to 6) - Infrastructure Regulation

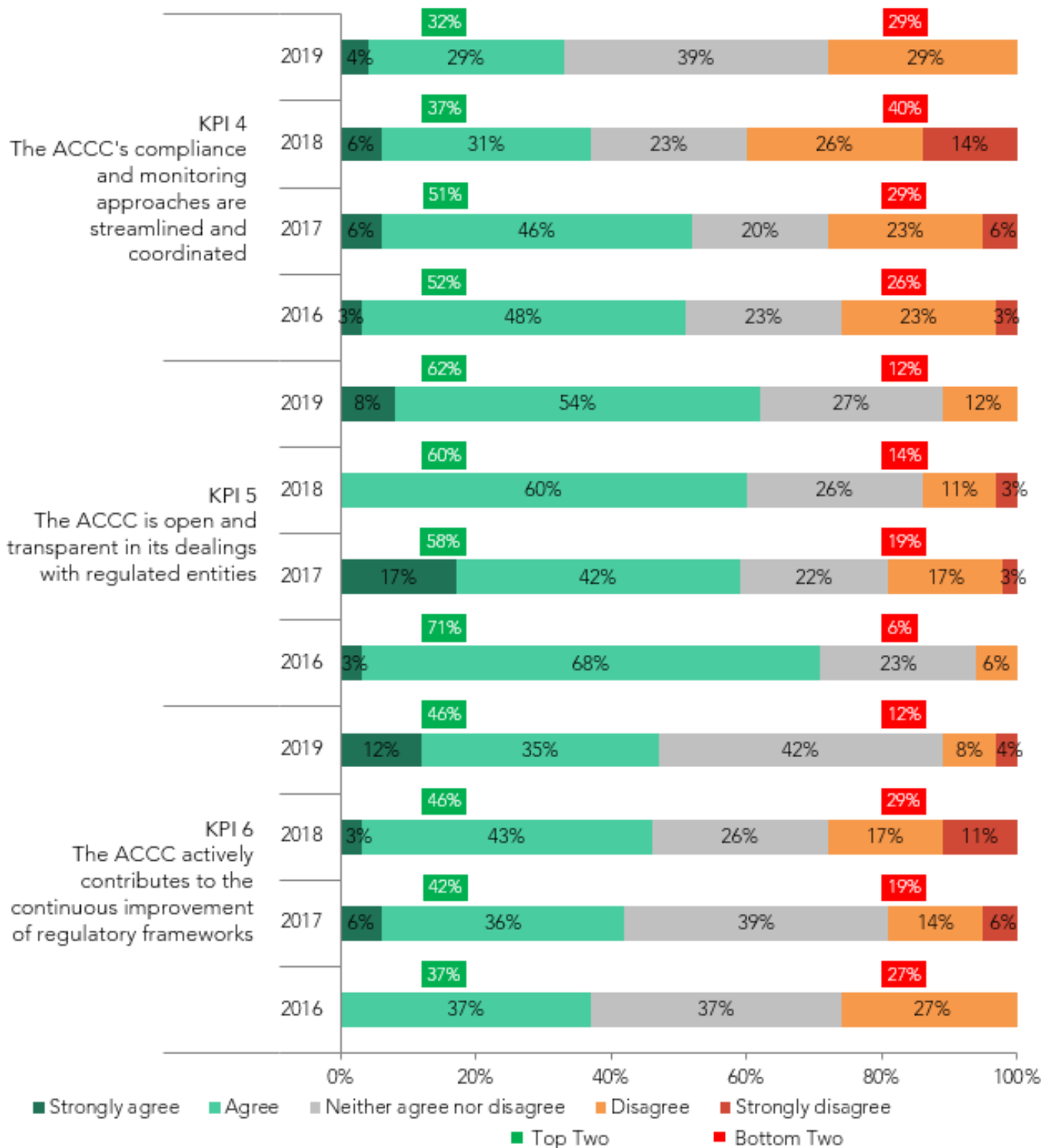


Figure 54: KPI comparison summary chart (KPI 1 to 3) - Enforcement

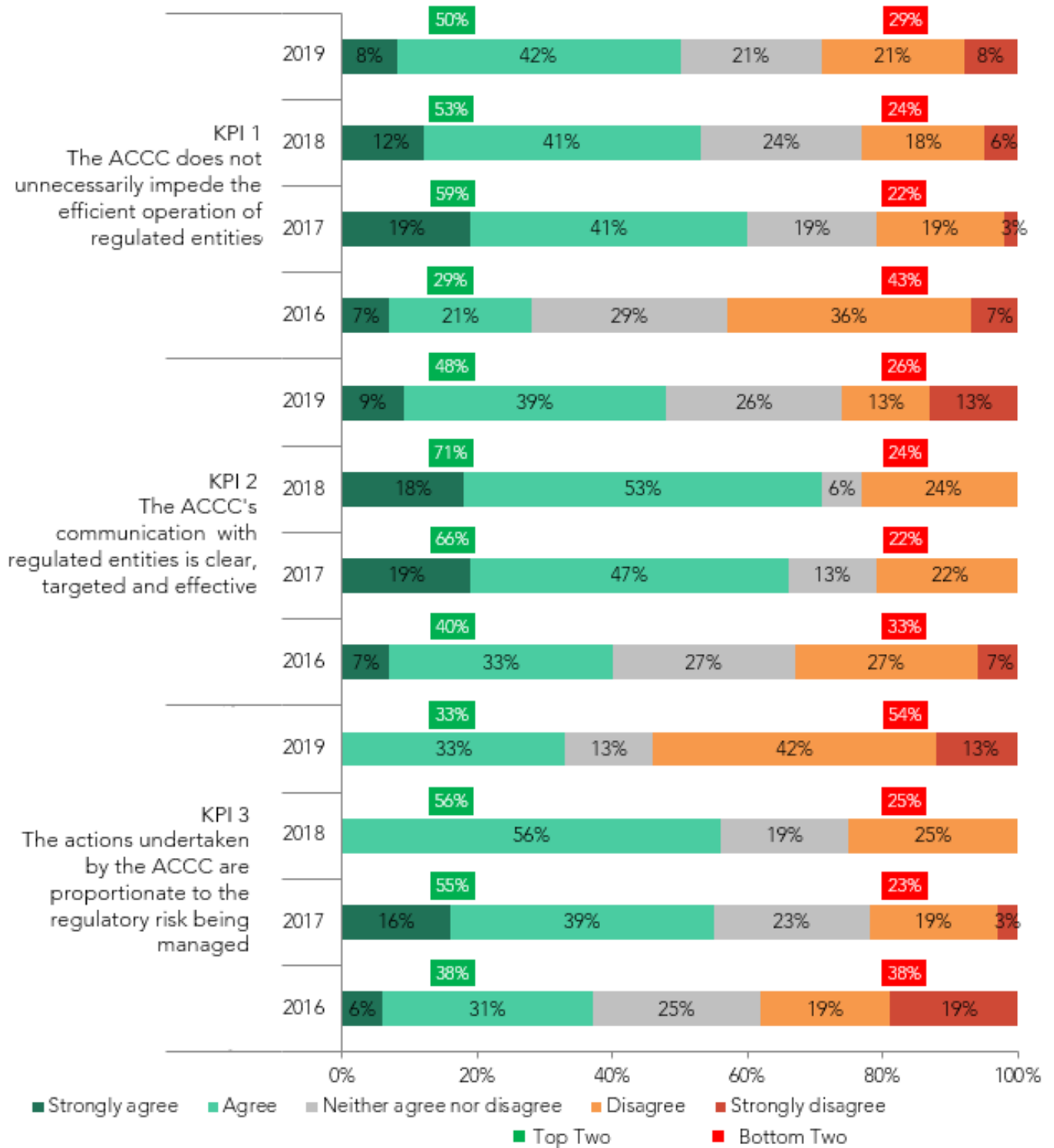


Figure 55: KPI comparison summary chart (KPI 4 to 6) - Enforcement

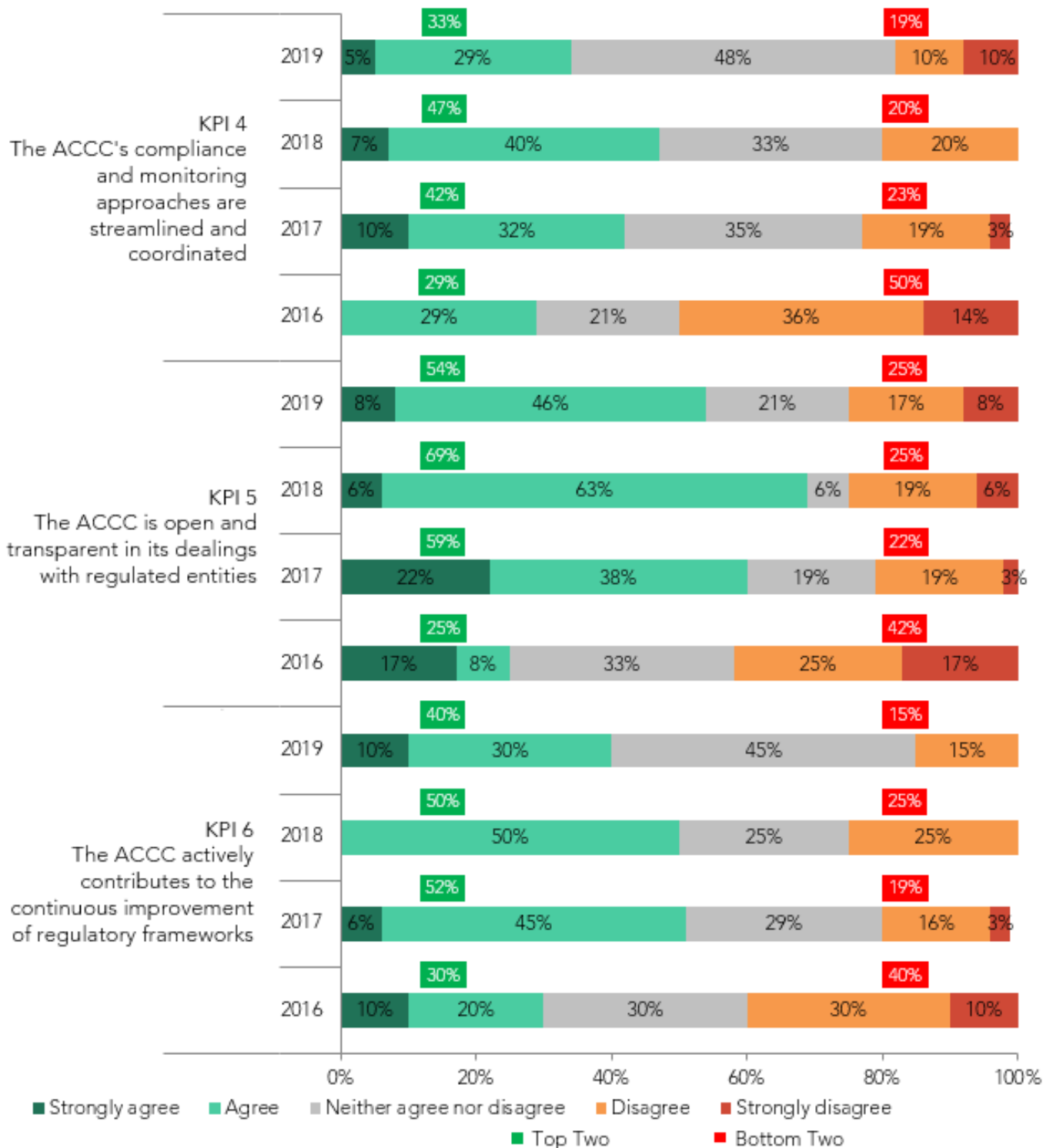




Figure 56: KPI comparison summary chart (KPI 1 to 3) – Market Studies & Inquiries

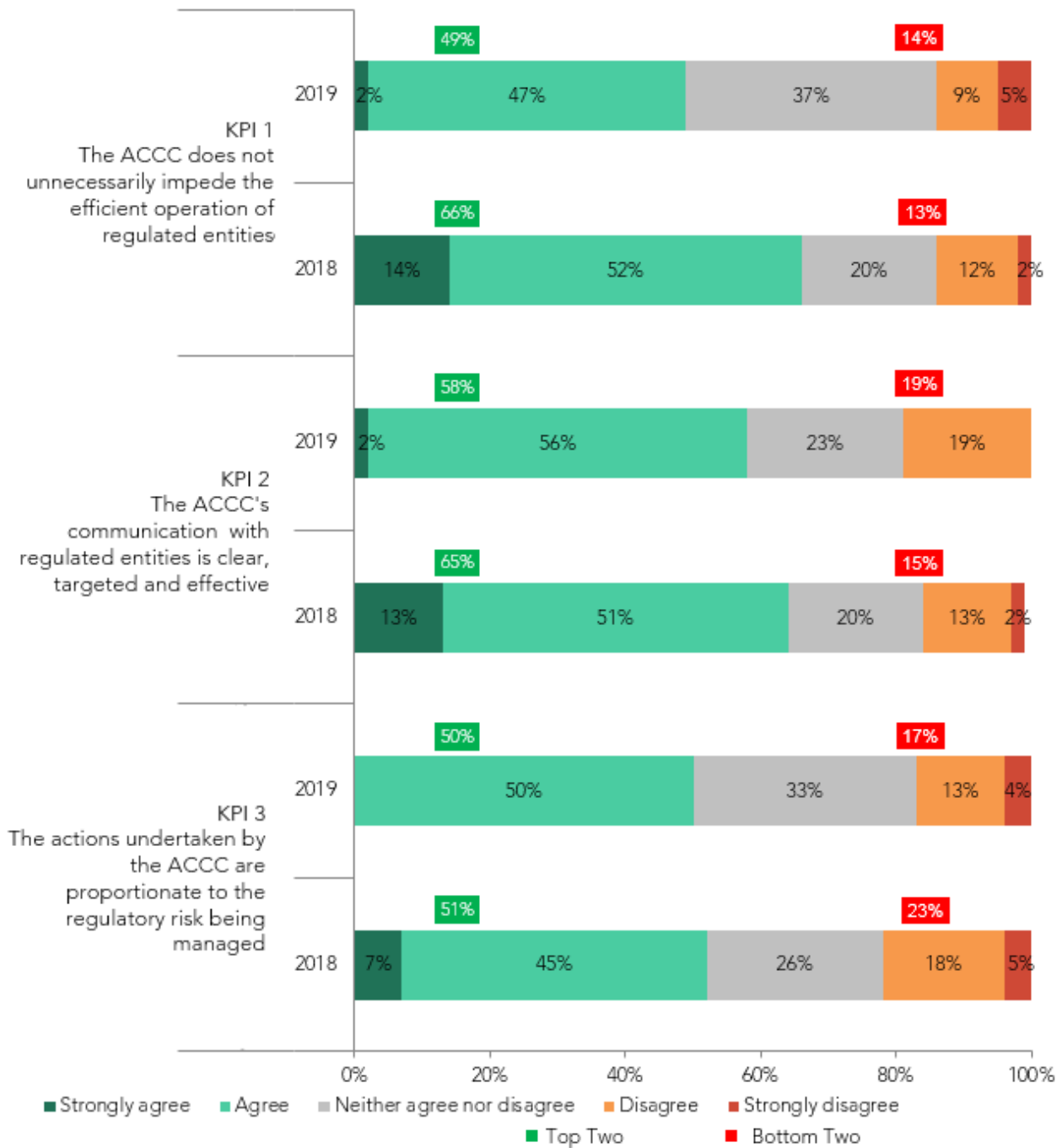
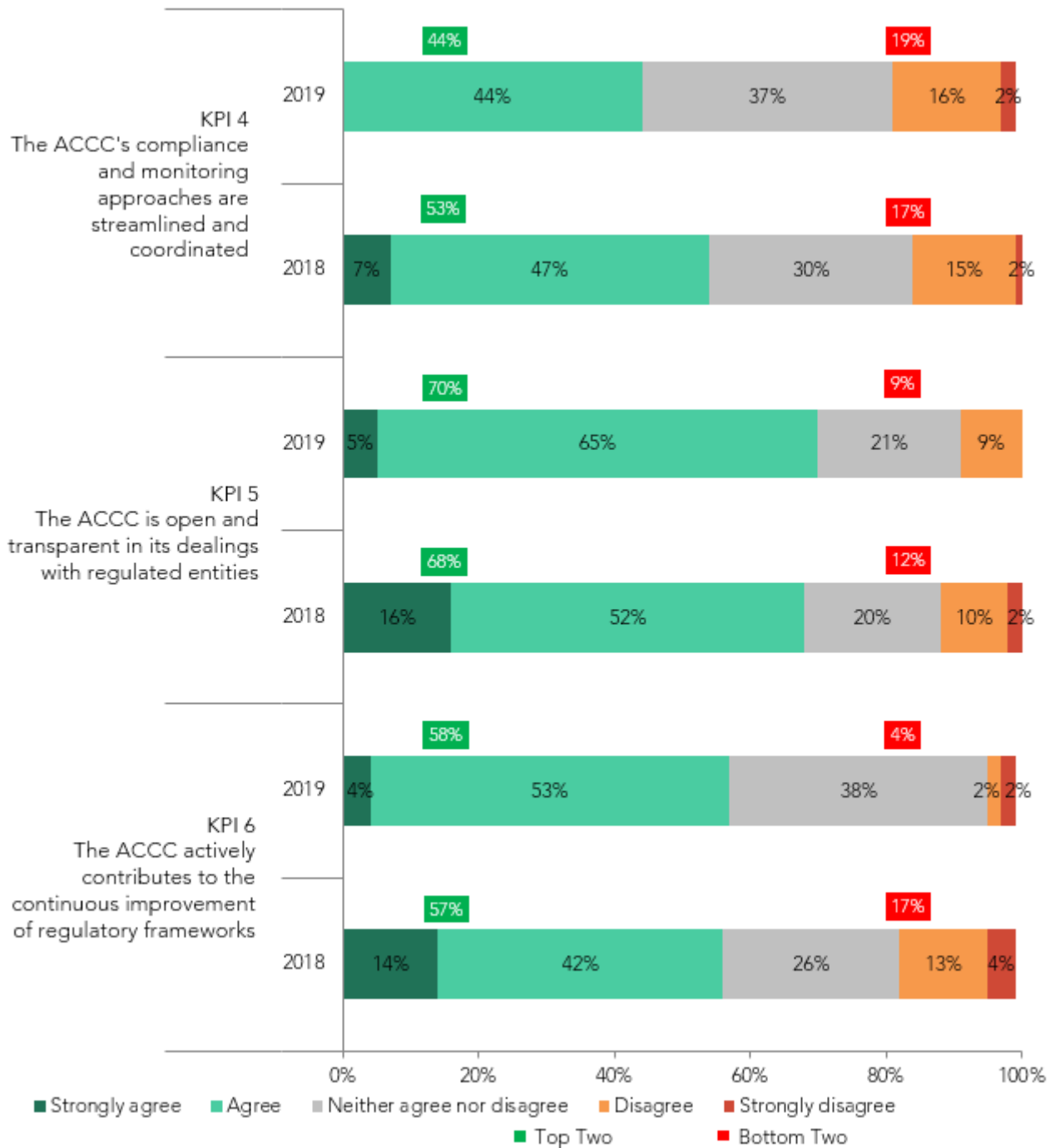


Figure 57: KPI comparison summary chart (KPI 4 to 6) - Market Studies & Inquiries



## **APPENDIX D: COMPREHENSIVE SURVEY 2019**

## INTRODUCTION

Thank you for agreeing to take part in this survey being conducted on behalf of the Australian Competition and Consumer Commission.

The ACCC is interested in obtaining the views of businesses about how it carries out its work to enhance the welfare of all Australians by:

- Maintaining and promoting competition.
- Protecting the interests and safety of consumers, and supporting fair trading in markets affecting consumers and small businesses.
- Promoting the economically efficient operation of, use of, and investment in infrastructure.
- Undertaking market studies and inquiries to support competition, consumer and regulatory outcomes.

The survey is structured around the six outcomes-based key performance indicators (KPIs) set out in the Australian Government's framework for assessing the performance of all major Commonwealth regulators, including the ACCC.

The six KPIs cover a broad range of good regulatory practices and processes, including how regulators engage with stakeholders. Good regulatory practices and processes are important for achieving outcomes that contribute to the purpose and objectives of the regulatory framework. They are also important to help minimise the impact of regulation on businesses that are required to comply with the law.

We would like you to answer the following questionnaire in relation to your perceptions of the ACCC's performance over the last 12 months. We would like you to specifically focus on your businesses' engagement with the ACCC in its <FUNCTION AREA FROM SAMPLE> role.

### <DESCRIPTION OF RELEVANT FUNCTION AREA FROM SAMPLE>

The survey questions refer to 'regulated entities' - this means all businesses that are subject to the *Competition and Consumer Act 2010* (including the Australian Consumer Law) or other legislation enforced by the ACCC.

You may have received this survey because you have had dealings with the ACCC on behalf of businesses other than your direct employer. For example lawyers engaged by businesses to represent them, and staff of industry associations. If this is the case, please answer the survey questions from the perspective of the business(es) that you represent.

We expect that this survey will take you about 10-15 minutes to complete. If you consider that there is someone more appropriate in your organisation to complete the survey, please forward them the email containing the unique link to this survey.

Please be assured that all the answers you provide will be treated in the strictest of confidence and de-identified. This research is being conducted in keeping with the Australian Privacy Principles. Our privacy policy is available on our website ([www.enginegroup.com/apac](http://www.enginegroup.com/apac)).

Please select the next button below to begin.

### QSAMPLE1 FUNCTION AREAS (DO NOT DISPLAY)

Enforcement	1
Merger and Authorisation Review	2
Small Business	3
Product Safety	4
Infrastructure Regulation	5
Market Studies and Inquires	6

### QSAMPLE2 FUNCTION AREA DESCRIPTION TO DISPLAY

1	Enforcement	The Enforcement function relates to the investigation and resolution, including through litigation, of potential breaches by businesses and individuals of the competition, fair trading and consumer protection provisions of the <i>Competition and Consumer Act 2010</i> .
2	Merger and Authorisation Review	The Mergers and Authorisation Review function relates to the review of (proposed) mergers and acquisitions to assess whether they would substantially lessen competition; as well as review applications by businesses that wish to engage in certain anti-competitive arrangements or conduct for exemption from the <i>Competition and Consumer Act 2010</i> because those arrangements or conduct results in a net public benefit.
3	Small Business	The Small Business function relates to informing businesses of their rights and obligations under the <i>Competition and Consumer Act 2010</i> , including the <i>Australian Consumer Law</i> , through engagement, education and the provision of specialised information.
4	Product Safety	The Product Safety function relates to ensuring Australian consumers are not harmed by unsafe products such as defective items or those containing unsafe chemicals. The ACCC works with domestic and international counterparts on joint surveillance, education and policy initiatives.
5	Infrastructure Regulation	The Infrastructure Regulation function relates to the economic regulation of communications, transport and rural water sectors and the monitoring of certain industries such as fuel and airports.
6	Market Studies and Inquiries	The Market Studies and Inquiries function relates to the ACCC's use of its legal, economic, investigative and regulatory expertise to conduct in-depth market studies and industry reviews that increase transparency, enhance our enforcement capability, and contribute to government policy. Market studies and inquiries conducted over the past 12 months include the: <ul style="list-style-type: none"> <li>Digital platforms inquiry</li> </ul>

		<ul style="list-style-type: none"><li>• Electricity market monitoring 2018-25</li><li>• Foreign currency conversion services inquiry</li><li>• Gas inquiry 2017-20</li><li>• Northern Australia insurance inquiry</li><li>• Residential mortgage products price inquiry</li><li>• Wine grape market study</li></ul>
--	--	---

**Regulators do not unnecessarily impede the efficient operation of regulated entities**

QA1 Firstly, thinking about your experience over the past 12 months with the ACCC concerning its <FUNCTION AREA FROM SAMPLE> role, we would like you to rate the extent to which you agree or disagree with the following statements:

**SR FOR EACH STATEMENT.**

*Please mark one answer for each statement*

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Unsure/not relevant
The ACCC understands the operating environments of the businesses it regulates	<input type="checkbox"/> <sub>1</sub>	<input type="checkbox"/> <sub>2</sub>	<input type="checkbox"/> <sub>3</sub>	<input type="checkbox"/> <sub>4</sub>	<input type="checkbox"/> <sub>5</sub>	<input type="checkbox"/> <sub>9</sub>
The ACCC takes into consideration emerging issues that affect the industry sector	<input type="checkbox"/> <sub>1</sub>	<input type="checkbox"/> <sub>2</sub>	<input type="checkbox"/> <sub>3</sub>	<input type="checkbox"/> <sub>4</sub>	<input type="checkbox"/> <sub>5</sub>	<input type="checkbox"/> <sub>9</sub>
The ACCC takes into consideration the potential for unintended negative impacts of its regulatory activities on businesses	<input type="checkbox"/> <sub>1</sub>	<input type="checkbox"/> <sub>2</sub>	<input type="checkbox"/> <sub>3</sub>	<input type="checkbox"/> <sub>4</sub>	<input type="checkbox"/> <sub>5</sub>	<input type="checkbox"/> <sub>9</sub>
The ACCC's decisions and actions are taken in a timely manner, reflecting the complexity and nature of the matter	<input type="checkbox"/> <sub>1</sub>	<input type="checkbox"/> <sub>2</sub>	<input type="checkbox"/> <sub>3</sub>	<input type="checkbox"/> <sub>4</sub>	<input type="checkbox"/> <sub>5</sub>	<input type="checkbox"/> <sub>9</sub>
The ACCC works with stakeholders to identify opportunities to minimise the compliance burden, whilst not undermining the intent of the primary legislation	<input type="checkbox"/> <sub>1</sub>	<input type="checkbox"/> <sub>2</sub>	<input type="checkbox"/> <sub>3</sub>	<input type="checkbox"/> <sub>4</sub>	<input type="checkbox"/> <sub>5</sub>	<input type="checkbox"/> <sub>9</sub>

**TEXT IN GREEN = PROGRAMMER INSTRUCTIONS.**

QA2 Thinking about the statements above as well any other relevant factors, we would like you to rate the extent to which you agree or disagree with the following statement:

**SR.**

*Please mark one answer*

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Unsure/not relevant
The ACCC does not unnecessarily impede the efficient operation of regulated entities	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5	<input type="checkbox"/> 9



**Communication with regulated entities is clear, targeted and effective**

QB1 Once again, thinking about your experience over the past 12 months with the ACCC concerning its <FUNCTION AREA FROM SAMPLE> role, we would now like you to rate the extent to which you agree or disagree with the following statements:

**SR FOR EACH STATEMENT.**

*Please mark one answer for each statement*

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Unsure/not relevant
The ACCC provides guidance and information that is up to date	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5	<input type="checkbox"/> 9
The ACCC provides guidance and information that is clear and concise	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5	<input type="checkbox"/> 9
The ACCC provides guidance and information that is consistent and supports predictable outcomes	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5	<input type="checkbox"/> 9
The ACCC provides guidance and information in a timely manner	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5	<input type="checkbox"/> 9
The ACCC provides guidance and information through appropriate media channels	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5	<input type="checkbox"/> 9

QB2 Thinking about the statements above as well any other relevant factors, we would like you to rate the extent to which you agree or disagree with the following statement:

**SR.**

*Please mark one answer*

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Unsure/not relevant
The ACCC's communication with regulated entities is clear, targeted and effective	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5	<input type="checkbox"/> 9

**Actions undertaken by regulators are proportionate to the regulatory risk being managed**

QC1 Once again, thinking about your experience over the past 12 months with the ACCC concerning its <FUNCTION AREA FROM SAMPLE> role, we would now like you to rate the extent to which you agree or disagree with the following statements:

**SR FOR EACH STATEMENT.**

*Please mark one answer for each statement*

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Unsure/not relevant
The ACCC applies a risk-based, proportionate approach to compliance obligations, enforcement actions and regulatory decisions	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5	<input type="checkbox"/> 9
The ACCC's strategies, activities and enforcement actions reflect changing priorities that result from new and evolving risks	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5	<input type="checkbox"/> 9
The ACCC recognises the compliance systems and processes of regulated businesses	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5	<input type="checkbox"/> 9

QC2 Thinking about the statements above as well any other relevant factors, we would like you to rate the extent to which you agree or disagree with the following statement:

**SR.**

*Please mark one answer*

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Unsure/not relevant
The actions undertaken by the ACCC are proportionate to the regulatory risk being managed	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5	<input type="checkbox"/> 9

**Compliance and monitoring approaches are streamlined and coordinated**

QD1 Once again, thinking about your experience over the past 12 months with the ACCC concerning its <FUNCTION AREA FROM SAMPLE> role, we would now like you to rate the extent to which you agree or disagree with the following statements:

**SR FOR EACH STATEMENT.**

*Please mark one answer for each statement*

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Unsure/not relevant
The ACCC makes information requests only when necessary to achieve regulatory objectives	<input type="checkbox"/> <sub>1</sub>	<input type="checkbox"/> <sub>2</sub>	<input type="checkbox"/> <sub>3</sub>	<input type="checkbox"/> <sub>4</sub>	<input type="checkbox"/> <sub>5</sub>	<input type="checkbox"/> <sub>9</sub>
The ACCC's information requests are tailored to a specific matter	<input type="checkbox"/> <sub>1</sub>	<input type="checkbox"/> <sub>2</sub>	<input type="checkbox"/> <sub>3</sub>	<input type="checkbox"/> <sub>4</sub>	<input type="checkbox"/> <sub>5</sub>	<input type="checkbox"/> <sub>9</sub>
The ACCC uses existing information, and shares information with other regulators where possible	<input type="checkbox"/> <sub>1</sub>	<input type="checkbox"/> <sub>2</sub>	<input type="checkbox"/> <sub>3</sub>	<input type="checkbox"/> <sub>4</sub>	<input type="checkbox"/> <sub>5</sub>	<input type="checkbox"/> <sub>9</sub>
The ACCC takes into consideration the operational needs of regulated businesses when monitoring their activities	<input type="checkbox"/> <sub>1</sub>	<input type="checkbox"/> <sub>2</sub>	<input type="checkbox"/> <sub>3</sub>	<input type="checkbox"/> <sub>4</sub>	<input type="checkbox"/> <sub>5</sub>	<input type="checkbox"/> <sub>9</sub>

QD2 Thinking about the statements above as well any other relevant factors, we would like you to rate the extent to which you agree or disagree with the following statement:

**SR.**

*Please mark one answer*

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Unsure/not relevant
The ACCC's compliance and monitoring approaches are streamlined and coordinated	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5	<input type="checkbox"/> 9

**IF QSAMPLE1=5 AND QD2=4 OR 5 ASK QD3. OTHERWISE SKIP TO NEXT SECTION**

QD3 You've rated the ACCC poorly on this KPI. It would be useful if you could provide some more information about why you feel this way. It would also be helpful if you can let us know what industry sector you are in (as this will help the ACCC to address the specific problem).

Not applicable	99
----------------	----

**Regulators are open and transparent in their dealings with regulated entities**

QE1 Once again, thinking about your experience over the past 12 months with the ACCC concerning its <FUNCTION AREA FROM SAMPLE> role, we would now like you to rate the extent to which you agree or disagree with the following statements:

**SR FOR EACH STATEMENT.**

*Please mark one answer for each statement*

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Unsure/not relevant
The ACCC makes guides, decision documents and information about processes publicly available	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5	<input type="checkbox"/> 9
The ACCC engages with affected businesses and industry groups before changing policies and practices	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5	<input type="checkbox"/> 9
The ACCC is open and responsive to feedback regarding its approaches and actions under the regulatory framework	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5	<input type="checkbox"/> 9

QE2 Thinking about the statements above as well any other relevant factors, we would like you to rate the extent to which you agree or disagree with the following statement:

**SR.**

*Please mark one answer*

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Unsure/not relevant
The ACCC is open and transparent in its dealings with regulated entities	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5	<input type="checkbox"/> 9



**Regulators actively contribute to the continuous improvement of regulatory frameworks**

QF1 Once again, thinking about your experience over the past 12 months with the ACCC concerning its <FUNCTION AREA FROM SAMPLE> role, we would now like you to rate the extent to which you agree or disagree with the following statements:

**SR FOR EACH STATEMENT.**

*Please mark one answer for each statement*

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Unsure/not relevant
The ACCC establishes cooperative and collaborative relationships with regulated businesses to improve the efficiency and effectiveness of the regulatory framework	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5	<input type="checkbox"/> 9
The ACCC engages with regulated businesses in the development of options to reduce compliance costs	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5	<input type="checkbox"/> 9
The ACCC shares feedback from stakeholders with policy departments to improve the regulatory framework	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5	<input type="checkbox"/> 9

QF2 Thinking about the statements above as well any other relevant factors, we would like you to rate the extent to which you agree or disagree with the following statement:

**SR.**

*Please mark one answer*

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Unsure/not relevant
The ACCC actively contributes to the continuous improvement of regulatory frameworks	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5	<input type="checkbox"/> 9

**Additional questions**

QG1 Thinking about the ACCC’s performance across the six key performance indicators you have just rated, please use the boxes below to provide details of...

Any specific aspect of the ACCC’s performance that the ACCC does well?

Not applicable	99
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Any specific improvements you would like to suggest?

Not applicable	99
----------------	----

QG2 Thinking about the past 12 months, how would you rate the performance of the ACCC relative to other Australian Government regulators that your business has engaged with? Would you say the ACCC’s performance against the six KPIs is generally:

<b>Better</b> than other Australian Government regulators	1
The <b>same as</b> other Australian Government regulators	2
<b>Worse</b> than other Australian Government regulators	3
Unsure/not relevant	9

**IF QG2=3 ASK QG3. OTHERWISE SKIP TO NEXT SECTION**

QG3 You rated the ACCC’s performance against the six KPIs as being worse relative to other Australian regulators. Please provide any specific examples of practices of other regulators that the ACCC may be able to adopt to improve its performance:

--

No comments	99
-------------	----

## CLASSIFICATION DETAILS

Finally some questions about your organisation.

DEM1. Which of the following best describes your business (or the business or group of businesses that you represent)?

**SR.**

*Please mark one answer only*

Micro business	1
Small business	2
Medium business	3
Large business	4

The below guidance is intended to assist you in answering this question. However, you may consider other factors, such as business revenue, when describing your business (or the business or group of businesses that you represent).

Those that identify as <b>micro businesses</b> often have less than 5 employees and are sometimes home based
Those that identify as being <b>small businesses</b> often have between 5 and 20 employees
Those that identify as <b>medium sized businesses</b> often have between 20 and 200 employees
Those that identify as <b>large businesses</b> often have more than 200 employees

DEM2. Which of the following industries best describes your business (or the business or group of businesses that you represent)?

**SR.**

*Please mark one answer only*

Mining	1
Manufacturing	2
Electricity, Gas, Water and Waste Services	3
Construction	4
Wholesale Trade	5
Retail Trade	6
Accommodation and Food Services	7

Transport, Postal and Warehousing	8
Information, Media and Telecommunications	9
Financial and Insurance Services	10
Rental, Hiring and Real Estate Services	11
Professional, Scientific and Technical Services	12
Administrative and Support Services	13
Education and Training	14
Health Care and Social Assistance	15
Arts and Recreation Services	16
Other Services	17

## THANKS & CLOSE

That was the final question. Thank you for your time and assistance with this important survey which has been conducted on behalf of the ACCC.

As a reminder, please be assured that all the answers you have provided will be treated in the strictest of confidence and de-identified. This research is being conducted in keeping with the Australian Privacy Principles.

Our privacy policy is available on our website ([www.enginegroup.com/apac](http://www.enginegroup.com/apac)).

## **APPENDIX E: SURVEY INVITATION AND REMINDERS 2019**

## ACCC BUSINESS STAKEHOLDER SURVEY - INVITATION E-MAIL

[To be sent from ENGINE email account when survey opens 29 APRIL 2019]

Dear xxxx

The Australian Competition and Consumer Commission (ACCC) invites you to participate in a survey about how we carry out our work.

The survey is structured around the six key performance indicators set out in the Australian Government's framework for assessing the performance of all major Commonwealth regulators, including the ACCC: <https://www.jobs.gov.au/australian-government-regulator-performance-framework>.

Your views are important to us and your cooperation in completing this survey would be appreciated.

The survey should take no more than 15 minutes and will provide us with valuable information on your experience with the ACCC.

Survey responses are anonymous and will be treated as strictly confidential and in compliance with information privacy legislation.

We recently wrote to notify you that the research firm ENGINE had been engaged to conduct the survey on the ACCC's behalf. If you have now decided that you do not wish to receive any further communication regarding the survey, please reply to this e-mail ([accsurvey@orc-surveys.com](mailto:accsurvey@orc-surveys.com)) advising ENGINE of your wishes.

To complete the survey, simply click on the link below. The opportunity to provide input will close on **Wednesday 15 May 2019 at 5pm**.

[SURVEY LINK]

If you are unable to click on the above link, please copy the entire link and paste it into the address bar of your web browser.

The survey results will be published on the ACCC's website in December.

If you have concerns regarding the legitimacy of this email, please contact Shannon Coughlin, Executive Director Research at ENGINE on 03 8639 5100 or Marianne McArthur, Senior Performance and Reporting Officer at the ACCC on 03 9290 1929.

**Regards**

**Rod Sims**  
**Chair**  
**ACCC**

**1ST REMINDER E-MAIL****[To be sent one week after survey opens, 6 May 2019]**

Dear xxxx

We recently sent you an email inviting you to participate in a survey about how the Australian Competition and Consumer Commission (ACCC) carries out its work. The survey is structured around the six key performance indicators set out in the Australian Government's framework for assessing the performance of all major Commonwealth regulators, including the ACCC: <https://www.jobs.gov.au/australian-government-regulator-performance-framework>.

Your views are important to us and your cooperation in completing this survey would be appreciated.

The survey should take no more than 15 minutes and will provide us with valuable information on your experience with the ACCC.

If you have to stop the survey at any time before completion, your answers will be saved automatically so you can return to complete the survey at a later time using the same link.

Responses are anonymous and will be treated as strictly confidential and in compliance with information privacy legislation.

If you would like to be removed from our distribution list, reply to this e-mail ([accsurvey@orc-surveys.com](mailto:accsurvey@orc-surveys.com)) advising us of your wishes.

To complete the survey, simply click on the link below and complete the survey by 5pm **Wednesday 15 May 2019**.

[SURVEY LINK]

If you are unable to click on the above link, please copy the entire link and paste it into the address bar of your web browser.

If you experience any technical difficulties while completing this survey, please email: ENGINE at [accsurvey@orc-surveys.com](mailto:accsurvey@orc-surveys.com).

If you have concerns regarding the legitimacy of this email, please contact Shannon Coughlin, Executive Director Research at ENGINE on 03 8639 5100 or Marianne McArthur, Senior Performance and Reporting Officer at the ACCC on 03 9290 1929.

**Regards****ENGINE**



**2ND REMINDER E-MAIL****[To be sent 10 May 2019]**

Dear xxxx

We understand that you haven't completed the survey yet and hope you might be able to find the time over the next few days before it closes on **Wednesday 15 May 2019 at 5pm**.

It should take no more than 15 minutes. **Your views are very important to us and we would appreciate your feedback.**

To complete the survey, simply click on the link below.

[SURVEY LINK]

Or, copy and paste the entire link into the address bar of your web browser.

If you experience any technical difficulties while completing this survey, please email: ENGINE at [accsurvey@orc-surveys.com](mailto:accsurvey@orc-surveys.com).

If you have concerns regarding the legitimacy of this email, please contact Shannon Coughlin, Executive Director Research at ENGINE on 03 8639 5100 or Marianne McArthur, Senior Performance and Reporting Officer at the ACCC on 03 9290 1929.

The survey results will be published on the ACCC's website in December.

If you would like to be removed from our distribution list, reply to this e-mail ([accsurvey@orc-surveys.com](mailto:accsurvey@orc-surveys.com)) advising us of your wishes.

Responses are anonymous and treated as strictly confidential and in compliance with information privacy legislation.

**Regards****ENGINE**