



Regulatory reform opportunities

ACCC response

1 August 2025

Executive summary

The Australian Competition and Consumer Commission (ACCC) strongly supports the Government's productivity agenda. As the Commonwealth's competition and consumer protection regulator, the very basis of the ACCC's mandate is improving economic efficiency and productivity. By promoting competition in markets, we promote the production of the most highly valued goods and services at the optimum quality and the lowest possible price for the benefit of Australian consumers. Our consumer protection role is complementary, promoting consumer confidence, ensuring the consumer dollar is not diverted by misleading conduct and supporting compliant businesses.

We recognise that we need to exercise our functions in a manner that maximises productivity and efficiency benefits to the economy. In an environment of greater global uncertainty, raising our productivity becomes even more important to ensure that the economy continues to grow and remains resilient. This enables households to relieve budgetary pressures and businesses to continue to innovate and grow.

Competition and consumer policy has an essential role to play alongside other measures in this new era of economic reform. We have taken the opportunity to highlight how initiatives that we can undertake, together with further reforms, can support the Government's productivity agenda and deliver measurable and lasting improvements in the economy's efficiency and productivity over the longer term.

As a competition and consumer agency, we are committed to a risk-based regulatory approach, focusing on the greatest harms. But we recognise that we can do more to right-size regulation and to relieve regulatory burden.

We have identified a range of initiatives under two broad categories – those that we can prioritise under our existing powers and resources, and those that require changes to legislation and/or resources.

Most immediately, we are prioritising three key initiatives under our existing powers and resources:

- implementing the new merger regime in an efficient and effective manner to deliver benefits to competition without imposing unnecessary burden or delay,
- allowing businesses greater flexibility in meeting mandatory Australian product safety standards to reduce unnecessary costs to business while still protecting consumers, and
- harmonising electrical safety standards across the Australian jurisdictions to reduce unnecessary costs to business.

In addition, we have identified a range of initiatives that we can undertake within our existing powers and resources to reduce regulatory burden, including:

- removing or reducing regulatory requirements (where we have discretion) to minimise regulatory burden while applying the necessary protections. Examples include streamlining telecommunications reporting obligations and reducing reporting obligations for consumer data right participants,
- streamlining information requests, including by issuing more targeted notices to businesses,

- implementing a 'no wrong door' approach to reporting of scams, reducing duplication by coordinating efforts through the National Anti-Scam Centre's partnership model, and
- identifying appropriate new class exemptions across different sectors of the economy on the basis of risk and net public benefit.

We have also identified a range of initiatives that require changes to legislation and/or resources, noting that we will engage with Treasury in relation to these. They include:

- supporting electricity market functions being collectively shifted to the Australian Energy Regulator, leaving the ACCC with only its economy-wide functions in relation to electricity,
- removing our current assessment role in certification trade marks, streamlining the process for stakeholders,
- revoking the wheat port code because it is ineffective and is an unnecessary cost to new and small entrants, and
- uplifting our data and digital capability (including with appropriate use of artificial intelligence) to make us a more effective and efficient regulator and to reduce the regulatory burden on businesses by reducing duplicative reporting.

We note the ACCC's advocacy for two reforms requiring legislative changes that would significantly improve economic efficiency and productivity:

- implementing the proposed targeted, service-specific digital competition regime, enabling interoperability and contestability in critical digital services, broadening competition and innovation, including by Australian businesses, and
- improving the range of regulatory actions available to the ACCC to address essential services with market power, including reviewing the price notification and Part IIIA provisions.

The following table sets out a range of more detailed measures that the ACCC proposes. The table includes both initiatives within our existing powers and resources and those that would require changes (for further engagement with Treasury). For each initiative we have articulated the direct result for businesses and/or consumers, and the expected outcome. We are in the process of developing quantitative measures for as many of our proposed initiatives as is feasible.

Productivity theme		Result	Initiatives (Actions)	Outcome	Reforms within existing resources and legislation	Reforms needing legislative / resourcing changes
1. Right sized regulation						
1.1 Reduce burden of overlapping regulatory functions	1.1.1	A nationally consistent electrical safety regulatory framework that address gaps and overlaps between existing frameworks	Work with States and Territories to implement the National Electrical Safety Taskforce recommendations	Reduction in regulatory burden while maintaining electrical safety outcomes	✓	
	1.1.2	- Suppliers have greater flexibility between contemporary Australian and overseas product safety standards as compliance options. - Safety standards keep pace with emerging risks preventing situations where outdated standards block innovation or fail to address new harms	Initiate expedited reviews of international safety standards and adopt international mandatory safety standards where appropriate	More regulatory certainty for businesses creating innovative new products while maintaining safety for Australians	✓	
	1.1.3	Faster identification of emerging product safety risks through data sharing, enabling targeted responses	Establish data sharing arrangements for product safety data with domestic and international regulators	Reduction in regulatory burden while creating a more responsive system to protect Australians from harm	✓	

Productivity theme	Result	Initiatives (Actions)	Outcome	Reforms within existing resources and legislation	Reforms needing legislative / resourcing changes
	1.1.4	Systemic approach to faster identification of highest and emerging product safety risks informed by data held by multiple government agencies and organisations, enabling targeted responses	Explore avenues to support a national source of product safety data	Reduction in regulatory burden, reduced costs to the economy related to health/medical costs, loss of productivity through loss of workforce participation, recall and remediation costs.	✓
	1.1.5	Reduced regulatory overlap in the electricity sectors	Support electricity market functions being collectively shifted to the Australian Energy Regulator including: - Prohibiting Energy Market Misconduct rules - Reporting functions and electricity market industry monitoring functions - Monitoring and enforcing compliance with the electricity retail code	More streamlined regulation of the electricity sector	✓
	1.1.6	Reduced duplication and overlap in gas market data collection between agencies	Streamline gas market data collection with AER, AEMO and DCCEEW	Reduction in regulatory burden while maintaining regulatory oversight	✓
	1.1.7	Reduced duplication of information provided by telecommunications	Work with DITRDSCA and ACMA to improve data sharing	Improved policy and regulatory decision making; reduced regulatory burden	✓

Productivity theme	Result	Initiatives (Actions)	Outcome	Reforms within existing resources and legislation	Reforms needing legislative / resourcing changes
	industry to Government agencies	arrangements about the telco industry			
1.1.8	Scams activities are well coordinated via proactive, regular and transparent engagement ensuring key regulators have the opportunity to collaborate with and contribute to the program of the National Anti-Scam Centre	Continue using National Anti-Scam Centre's Regulator Steering Group to coordinate scams activities across regulators – ACCC, ASIC, ACMA	Scams activities are well coordinated across regulators, reducing duplication and overlap	✓	
1.1.9	<ul style="list-style-type: none"> - Regulators promote regulatory coherence on digital platforms and ensure new regulations are designed with the wider regulatory environment in mind - Member regulators work together, and with government and industry, to enhance capacity and expertise; to identify further work to improve and streamline our regulatory environment while responding to emerging 	Continue using Digital Platforms Regulators Forum to reduce compliance burden for industry - ACCC, OAIC, ACMA, eSafety	<ul style="list-style-type: none"> - Reduction in compliance costs for businesses - Emerging harms to Australians are addressed - International regulatory cooperation is supported - Australia's digital economy is a safe, trusted, fair, innovative and competitive space 	✓	

Productivity theme		Result	Initiatives (Actions)	Outcome	Reforms within existing resources and legislation	Reforms needing legislative / resourcing changes
		risks and opportunities across the digital space.				
1.2 Remove or reduce regulatory requirements	1.2.1	Some telecommunications companies will no longer have reporting obligations and data collection from the telecommunications industry will be right-sized	Consult on telecommunications regulations, including record-keeping rules	Reduction in regulatory burden while maintaining regulatory oversight	✓	
	1.2.2	Removal of redundant wheat port regulation that is not effective	Revoke the Wheat Port Code of Conduct	Reduction in regulatory burden, removing material barriers to entry and investment		✓
	1.2.3	Reduced requests for information from petrol industry participants	Work with Australian Treasury on new monitoring direction to reduce frequency of petrol monitoring reports, e.g. every 6 or 12 months	Reduction in regulatory burden while maintaining consumer information benefits	✓	
	1.2.4	Reduced reporting requirements for CDR participants, enabling more focus on providing services	Develop recommendations to reduce the bi-annual reporting obligations for CDR participants	Reduction in regulatory burden	✓	

Productivity theme		Result	Initiatives (Actions)	Outcome	Reforms within existing resources and legislation	Reforms needing legislative / resourcing changes
1.3 Reduce regulatory burden on business, particularly small business	1.2.5	Removal of a layer of assessment in certification trade mark regulation, streamlining process for stakeholders	Remove ACCC's current assessment role in registration of Certification Trade Marks	Reduction in regulatory burden		✓
	1.2.6	Collaboration in response to national emergencies without the need to seek an exemption from applicable competition law	Remove legal requirement for authorisation of collaboration in case of national emergencies	Reduction in regulatory burden and more timely response to national emergencies		✓
	1.3.1	- 'No wrong door' for businesses and consumers - Reduced duplication by coordinating efforts across government, law enforcement, industry and consumer groups to prevent, detect, disrupt and respond to scams - National Anti-Scam Centre forums, working groups and advisory boards work with partners to identify efficient mechanisms for sharing insights and	Maintain and strengthen National Anti-Scam Centre's partnership model	- Reduced duplication of efforts to combat scams - Reduced regulatory burden for industry by providing a 'no wrong door' approach for reporting scams, reducing the need for multiple reports	✓	

Productivity theme	Result	Initiatives (Actions)	Outcome	Reforms within existing resources and legislation	Reforms needing legislative / resourcing changes
	information, both on a voluntary basis and in compliance with the Scams Prevention Framework				
	1.3.2 Sector codes and Scams Prevention Framework rules, and enforcement action, are proportionate and risk based	<ul style="list-style-type: none"> - Work with Australian Treasury and industry stakeholders on legislative instruments under the Scams Prevention Framework. - Ensure any enforcement action taken is proportionate to the conduct and resulting harm 	<ul style="list-style-type: none"> - Burden on industry is minimised while maximising scam prevention - Maximised scam prevention increases consumer trust and confidence in markets, with the outcome that consumers are more likely to engage in markets 		✓
	1.3.3 Improved certainty for businesses subject to an ACCC investigation	Review and promote guidance to provide greater transparency of ACCC investigative processes for businesses subject to an investigation	Increased transparency and accountability	✓	
	1.3.4 Reduced regulatory complexity and implementation costs for CDR participants	Partner with OAIC and the Data Standards Board to simplify and unify CDR guidance	Lower barriers to CDR participation and participating businesses can focus more on providing innovative services	✓	
	1.3.5 Automatic immunity from competition laws via submitting a simple form for small businesses engaging in collective bargaining	Maintain class exemption for small business collective bargaining	Reduction in regulatory burden for small business	Maintain	

Productivity theme		Result	Initiatives (Actions)	Outcome	Reforms within existing resources and legislation	Reforms needing legislative / resourcing changes
1.4 Regulatory approaches reflect innovation in industry and regulatory assessment	1.3.6	Reduction of duplicative information requests; streamlined and more targeted information requests from the ACCC	Improve and enhance the way the ACCC collects, manages and uses data across all ACCC functions	Reduction of regulatory burden on companies providing information to the ACCC	✓	
	1.3.7	More businesses seek exemption from CDR rules, enabling more to focus on providing services	Proactively educate CDR participants about the option to seek an exemption from CDR Rules	Reduction in regulatory burden	✓	
	1.4.1	ACCC regulatory processes are aligned to technological enhancements and innovation across industry	Engage with business and industry about use of AI, and how it may affect the ACCC's regulatory functions	Fit-for-purpose regulatory approach reflecting the business practices of industry	✓	
	1.4.2	Detailed understanding of effect of regulation on new technologies and investment in the telecommunications industry	Examine broadband regulatory settings for Superfast Broadband Access Services to examine drivers of investment in alternative fibre networks	Reduction in regulatory burden, removing material barriers to entry and investment	✓	
	1.4.3	Effective ACCC screening of public procurement data for cartel conduct	Work with Australian Treasury on reform to Commonwealth Government procurement processes to capture and report	Increased detection of cartel conduct, leading to lower prices and increased incentives for businesses to improve and innovate		✓

Productivity theme	Result	Initiatives (Actions)	Outcome	Reforms within existing resources and legislation	Reforms needing legislative / resourcing changes
		procurement data to the ACCC for cartel conduct screening			
2. Streamline approval processes based on risk					
2.1 Mergers	2.1.1	Faster approval for merger notifications and waiver applications for non-contentious mergers	From commencement on 1 January 2026, assess 80% of merger notifications and waiver applications within 20 business days from notification, and report regularly	Improved predictability and certainty from faster clearance process.	✓
	2.1.2	A fast, cheaper path to certainty for simple merger transactions that raise minimal concerns, and other transactions have clarity on notification requirements	Develop and promote an approach facilitating merger notification waivers	Reduced transaction costs for businesses and improved certainty from faster clearance process.	✓
	2.1.3	Reduced level of information requests for businesses notifying a merger under the new merger regime	Ensure use of s155 information gathering under the new merger regime is targeted	Reduction in regulatory burden while ensuring comprehensive review of mergers that raise competition risks	✓
	2.1.4	Acquisitions portal design reflects the needs of both stakeholders and the ACCC	Consult regularly with businesses and advisors to ensure the acquisitions portal is user-friendly and efficient	Positive feedback on ACCC acquisitions portal and prompt ACCC responsiveness to issues raised	✓

Productivity theme		Result	Initiatives (Actions)	Outcome	Reforms within existing resources and legislation	Reforms needing legislative / resourcing changes
2.2 Exemptions	2.1.5	Continuous refinement of merger regime administration based on data, practical experience, and stakeholder input	Consult as the new regime develops to continually improve efficient consideration of mergers	More responsive processes without compromising competition assessment quality	✓	
	2.2.1	Greater use by smaller banks of the options available under the CCA to collaborate	<ul style="list-style-type: none"> - Provide practical guidance about small banks' options to allow collaboration - Promote open door engagement with the ACCC about collaboration - Streamline exemptions approval processes (see 2.2.3) 	Allowing conduct in the public interest to be undertaken sooner than under current processes	✓	
	2.2.2	Class exemptions are available to more market participants across different sectors on the basis of risk and public benefit	Conduct a review to identify appropriate new classes of exemption	Reduced regulatory burden		✓
	2.2.3	The process for businesses to obtain immunity from competition laws is shorter and simpler	Review authorisation processes to identify any additional ways to streamline processes, which may necessitate legislative change	Allowing conduct in the public interest to be undertaken sooner than under current processes		✓

1. We will maximise efficiency and productivity benefits in exercising our functions

Competition, and the laws to promote and protect it, are crucial to driving increased efficiency and productivity in the economy

The process of competition is a major driver of productivity growth. When businesses must compete for customers, revenue, and market share, they are compelled to lower prices, minimise their costs, innovate, improve quality and find efficiencies in their production to tip the balance in their favour.

ACCC enforcement of the competition laws in the *Competition and Consumer Act 2010* ensures that the competitive process is maintained in Australian markets. When powerful market participants attempt to cheat the rules by engaging in cartel conduct or by eliminating a competitor through means other than merit, this results in inefficiencies and stagnation, ultimately borne by consumers. Anti-competitive conduct often robs the economy of productivity improvements that would have emerged had firms been subjected to the forces of competition.

Merger control acts as a guard to maintain competitive markets and prevent businesses from gaining market power through anti-competitive acquisitions. In most instances, mergers between companies are not anti-competitive and can be beneficial - for example by allowing firms to achieve efficiencies, diversify risks and enter new markets. However, some mergers can result in significant detriment to competition, the welfare of Australian consumers and productivity of the economy. The ACCC's role of enforcing merger laws will be further aided by the introduction of a mandatory merger control regime which fully comes into effect in January 2026.

We will target our efforts in our competition enforcement and merger assessment work to ensure that we best protect competition while being proportionate in the regulatory burden we impose on businesses. We recognise the importance of delivering transparency, certainty and timely merger approvals through the new regime.

The ACCC's competition exemptions work recognises that rigid application of competition rules could sometimes prevent arrangements that are beneficial to society. Through the range of available exemptions processes, businesses can obtain immunity from competition laws where appropriate. They can seek authorisation for conduct that would otherwise breach competition law where they can demonstrate net public benefits. This mechanism allows for productivity-enhancing collaborations such as infrastructure sharing arrangements, coordination of use of scarce inputs, and collaborative product stewardship schemes. By providing a pathway for such arrangements to take place, the ACCC ensures that competition law promotes innovation and efficiency in all circumstances.

We will use our competition exemptions framework to ensure that we efficiently unlock net public benefits, including by allowing collaborations where appropriate.

Fair trading and fair competition ensure trust and confidence in markets, another driver of productivity

It is important for consumers to trust markets.

When consumers are given the information they require in making a purchase decision, they are better able to decide which goods or services best fit their needs. When consumers trust that they will be treated fairly, that products will be safe, and that they have redress mechanisms for problems, they are more confident to participate in the market. This increased participation fuels demand and supports a dynamic and growing economy.

Where businesses mislead or deceive customers about their product, or compromise safety, consumers become distrustful and waste time conducting research and verifying claims in what could have been straightforward purchasing decisions. There are many cases where consumers cannot see through misleading or deceptive conduct and purchase products not fitting their needs or which harms them. Where this occurs, misleading or deceptive conduct can also harm competition. Consumers may not reward the business that would otherwise offer the best value, and businesses may not receive the right signals from customers about their preferences. Trade may flow not to the competitive providers of services but to those who break the rules. Businesses that mislead or deceive customers about their product's capabilities or characteristics may receive investment that could have funded genuine innovation elsewhere. For these reasons, the ACCC vigorously enforces Australian Consumer Law and administers product safety laws to protect against such conduct and to promote competition. We will prioritise our enforcement to ensure that we deter the most harmful conduct.

Proliferation of scams can affect productivity across the economy, both through direct and indirect financial losses for consumers and businesses, and through the erosion of consumers' trust in private and public institutions. The National Anti-Scam Centre protects consumers' trust at scale. By coordinating responses to scams across governments, law enforcement, and working in partnership with the private sector, we become more effective at preventing and disrupting scams. When consumers are not paralysed by fear when engaging with markets, economic activity can flourish.

We will work with other agencies to coordinate and centralise data and digital capability to minimise scams.

Empowering consumers can facilitate increased productivity

The Consumer Data Right performs a complementary function by empowering consumers to more easily compare and choose between businesses that best meet their needs. By facilitating secure data portability, the Consumer Data Right removes information barriers that have kept consumers locked into their providers and creates opportunities for consumers to identify optimal arrangements. This unlocks genuine choice for consumers and incentivises businesses to compete on quality and price rather than rely on switching costs and data captivity to retain customers.

We will streamline our guidance and requirements to remove uncertainty and facilitate use cases that benefit consumers.

The Digital ID initiatives reduce the verification friction that slows down consumers' engagement with markets. It also reduces unnecessary data collection and thereby protects against scams. When consumers can prove their identity securely, conveniently, and instantly, businesses can offer services without lengthy processes that delay transactions

and increase costs. It also reduces data retention, which lowers costs for businesses as well as privacy and scam related risks. Increased interoperability between accredited private sector and government entities can improve overall system resilience and amplify consumer choice and benefits.

We will implement the program efficiently and proportionately to more efficiently support government and private services.

Where competition is not feasible, regulation must drive efficiency

The ACCC takes on a crucial monitoring and reporting role in some economically-significant, concentrated markets including airlines, container terminals, petrol, gas, electricity, and water markets. Competition exists in these markets, meaning comprehensive economic regulation is not required. However, often competition is diminished by providers enjoying market power. Monitoring can improve productivity and drive efficiency in these sectors by enhancing transparency on prices, margins, quality standards and investment.

In certain highly concentrated markets or for monopoly services (for example in relation to broadband services), we undertake a more comprehensive regulatory role.

In undertaking our roles, we will be proportionate in our regulatory approach and requirements from stakeholders.

2. Three priority initiatives

While we have identified a range of initiatives, we have prioritised three that do not require additional resources or legislative changes. We have prioritised these initiatives to make quick progress and because we consider that they will deliver material productivity benefits to the economy. Prioritising will allow rapid organisational focus.

Our three priority initiatives are:

- implementing the new merger regime in an efficient and effective manner to deliver benefits to competition without imposing unnecessary burden or delay,
- allowing businesses greater flexibility in meeting mandatory Australian product safety standards to reduce unnecessary costs to business while still protecting consumers, and
- harmonising electrical safety standards across the Australian jurisdictions to reduce unnecessary costs to business.

Mergers

The greatest productivity uplift arises from increased competition and dynamism throughout the economy. As such we will implement the new mergers regime to deliver the benefits to competition while minimising regulatory burden and the timeframes for decisions.

The mergers regime aims to promote competition and productivity by allowing mergers where they are not detrimental, while blocking problematic mergers to preserve competition. The new regime is designed to be timely, predictable, proportional, transparent and consultative.

When introducing the reforms into the Australian Parliament in October 2024, the Treasurer described them as a big step towards boosting competition and productivity in our economy.

We are now in the process of implementing these reforms, including working with stakeholders on guidance materials and working with the Australian Treasury on legislative instruments. We will ensure that the process does not impose unnecessary regulatory burden.

The new regime provides for a faster, simpler and more efficient merger regime, with a clear avenue to have ACCC decisions reviewed by the Australian Competition Tribunal. We are working to ensure that we deliver the intended reforms in a timely, efficient and practical manner.

In recognition that most acquisitions will not be anti-competitive and therefore should be assessed quickly:

- from 1 January 2026 the ACCC commits to assessing 80% of notifications and waiver applications within 20 business days and reporting regularly on this.
- We will consult extensively with businesses and advisers to ensure the acquisitions portal is user-friendly and efficient for them. We will also engage with parties as the new regime develops, so that parties can raise concerns and we can find ways to efficiently progress our consideration of mergers.

- We will develop an approach for notification waivers, so that simple transactions that raise minimal concerns, have a rapid and cheaper path to receive certainty. In addition, the waiver decisions can provide clarity on whether transactions need to be notified.

As the new regime will require businesses to provide upfront information with their notification and the statutory timeframe in Phase 1 is quite short, we expect that use of our compulsory information gathering powers will mostly occur only in Phase 2. If compulsory information notices are issued in Phase 1, we anticipate they will be targeted, requiring production of specific documents, data or information. We will report on our use of compulsory information notices as part of our annual reporting.

Product safety

Australians expect products they purchase to be safe and free from harm. We recognise that a robust consumer product safety framework helps ensure competitive markets are delivering safe consumer outcomes. We consider that providing flexibility on the standards, including by allowing appropriate international standards, will reduce regulatory burden.

Unlike most OECD countries, Australia does not prohibit the sale of all unsafe consumer goods. The ACCC is informed about product safety incidents through supplier voluntary recalls and death or serious injury reports from suppliers, consumers, or other stakeholders.

The ACCC uses a range of education, awareness, regulation, compliance and enforcement tools in carrying out its role in product safety. We also work across government, including international, state and territory, specialist regulators, and key stakeholder groups to support compliance, right size our approach and actively respond to, and protect consumers from, unsafe products.

Allowing greater flexibility for businesses to meet product safety standards while still protecting consumers, reducing regulatory burden

Some products need to meet mandatory safety standards to be sold in Australia. Following amendments to the Australian Consumer Law we are able to update these mandatory standards to recognise a wider range of voluntary overseas and Australian standards. The updates will provide businesses with a greater choice of standards to comply with. This will result in reduced compliance costs for businesses. It will also mean safer and cheaper products for consumers.

Sharing data and intelligence between product safety regulators will reduce regulatory burden and improve the efficiency and effectiveness of regulators

Essential to product safety are domestic and international networks that enable intelligence sharing, coordinated safety messaging, awareness of emerging hazards and clear guidance to business.

The ACCC's Product Safety Consultative Committee, comprised of business, retailers, researchers and consumer policy groups, is one such example. The Product Safety Consultative Committee and established networks will also be valuable as we implement updates to mandatory standards.

There is an opportunity to increase harmonisation across disparate and fragmented reporting regimes. Currently, product safety incidents may be reported to the ACCC, state and territory Australian Consumer Law regulators, other regulators, coroners, poisons

centres, hospitals, health care professionals, the police, businesses or the media.

A single national data source would mean that fewer actions can meet the needs of multiple governments and organisations, ultimately reducing burden and ensuring focus on the greatest risks to help keep Australians safe from serious harm.

Electrical safety

Harmonising electrical safety between Australian jurisdictions to reduce regulatory burden and improve the efficiency and effectiveness of regulators

Consumer electrical products continue to proliferate, including products utilising lithium ion batteries such as e-bikes and scooters and home batteries for energy storage.

There is an opportunity to reduce regulatory burden and maintain safety for Australians through harmonising the electrical safety regulatory framework between jurisdictions. Australia's existing system is primarily made up of different state and territory laws administered and enforced by the electrical safety regulators in each jurisdiction. Over time, inconsistencies and regulatory gaps have arisen.

In late 2024, Treasurers agreed as part of their productivity agenda at the Council on Federal Financial Relations, that the Commonwealth and State and Territory Governments will cooperate to harmonise and consistently implement the regulation of household electrical consumer products. A National Meeting of Consumer Electrical Safety Ministers will be created to oversee and monitor implementation of agreed reforms.

These recommendations include consistent regulation of extra-low voltage products (including lithium-ion batteries) and bringing about harmonised and consistent certification requirements for all jurisdictions. The ACCC will continue to engage across governments to help support these reforms.

3. Additional productivity and efficiency enhancing initiatives

We have identified a range of productivity and efficiency enhancing initiatives, broken into two categories:

- Those that we can implement under our existing legislation and resources
- Those that would require changes to legislation and/or resources. We will engage further with Treasury on these initiatives.

Initiatives within existing legislation and resources

We have identified a range of initiatives that we can undertake within our existing powers and resources to reduce regulatory burden, including:

- removing or reducing regulatory requirements (where we have discretion) to minimise regulatory burden while applying the necessary protections. Examples include streamlining telecommunications reporting obligations and reducing reporting obligations for consumer data right participants,
- streamlining information requests, including by issuing more targeted notices to businesses. Examples include notices in relation to merger assessment and inquiries,
- implementing a ‘no wrong door’ approach to reporting of scams, reducing duplication by coordinating efforts through the National Anti-Scam Centre’s partnership model, and
- identifying appropriate new class exemptions across different sectors of the economy on the basis of risk and net public benefit.

Removing, reducing and streamlining regulatory requirements and information requests

As highlighted in our table, above, we have identified a number of initiatives to reduce, remove or streamline our regulatory burden. We will look to ensure that we target our information notices to reduce regulatory burden. We will ensure that our regulation is proportionate, with a view to removing unnecessary requirements. These initiatives will apply across all of our functions.

Implementing a ‘no wrong door’ approach to reporting of scams, reducing duplication by coordinating efforts through the National Anti-Scam Centre’s partnership model

Scams are an economy-wide problem that requires an economy-wide response.

Under the ‘no wrong door’ approach, we will create a collaborative approach to tackling scams between government services, law enforcement, regulators, and the private sector. As soon as reports are made about potential scams, it is efficiently directed to the relevant entity best equipped to take action and eliminates duplication of effort.

Our collaborative approach will also facilitate the collection of data and intelligence on scams from a wide range of sources. This allows the National Anti-Scam Centre and its partners to proactively disrupt scam campaigns before they can cause widespread damage.

By making Australia the hardest target for scammers, we create an environment where consumers can trust the products they are being sold and businesses can operate with confidence knowing that there is a robust system in place to protect them. This, in turn, boosts economic efficiency.

Identify appropriate new class exemptions across different sectors of the economy on the basis of risk and net public benefit

Regulatory burden could be significantly reduced by eliminating the need for businesses to make individual authorisation applications for commonly occurring and/or low-risk conduct.

The ACCC will conduct a systematic analysis to identify sectors where businesses routinely seek approval for similar collaborative activities that pose a low risk to competition and/or do not harm the public. By proactively identifying potential candidates for class exemptions, the ACCC would reduce regulatory burden by providing certainty on what types of conduct is permissible. A proactive approach will facilitate more efficient commercial decision making and enable businesses to proceed with beneficial collaborations without first seeking regulatory approval.

The ACCC's small business collective bargaining class exemption demonstrates the potential for class exemptions to reduce burden and unlock productivity, while maintaining competitive safeguards. Collective bargaining by small businesses pose a low risk to competition. However, prior to the class exemption, small businesses seeking to collectively negotiate had to seek regulatory approval on an individual basis. This created compliance costs for small businesses and likely would have deterred many beneficial arrangements that could have improved small businesses' negotiating position against larger counterparts. The class exemption eliminated barriers by providing clear, standardised criteria that small businesses could readily self-assess against.

The ACCC commits to identifying whether similar benefits could be unlocked for other sectors through class exemptions.

Initiatives requiring changes to legislation and/or resources

While we have highlighted a number of actions to right-size regulation and reduce burden that we can undertake within our existing legislation and resources, we have identified further initiatives that could further enhance productivity. These measures require legislative change and/or additional resourcing to implement but potentially have significant payoff in terms of improved productivity and reduction of regulatory burden. We will engage with Treasury in relation to these initiatives. They include:

- supporting electricity market functions being collectively shifted to the Australian Energy Regulator, leaving the ACCC with only its economy-wide functions in relation to electricity,
- removing our current assessment role in certification trade marks, streamlining the process for stakeholders,
- revoking the wheat port code because it is ineffective and is an unnecessary cost to new and small entrants, and
- uplifting our data and digital capability (including with appropriate use of artificial intelligence) to make us a more effective and efficient regulator and to reduce the regulatory burden on businesses by reducing duplicative reporting.

Further, we note the ACCC's advocacy for two reforms requiring legislative change that would significantly improve economic efficiency and productivity:

- implementing the proposed targeted, service-specific digital competition regime, enabling interoperability and contestability in critical digital services, broadening competition and innovation, including by Australian businesses, and
- improving the range of regulatory actions available to the ACCC to address essential services with market power, including reviewing the price notification and Part IIIA provisions.

Supporting the ACCC's electricity market functions being collectively shifted to the Australian Energy Regulator

Under the current settings, electricity market participants face a complex regulatory environment that requires engagement with multiple agencies.

The ACCC enforces the Electricity Retail Code and enforces the CCA and relevant prohibitions on market misconduct by electricity market participants, supported by an electricity inquiry function. These functions operate alongside but separate from the Australian Energy Regulator's extensive electricity functions.

Transferring all of the ACCC's electricity-specific functions to the Australian Energy Regulator (AER) would eliminate duplicative processes between our agencies. The ACCC currently collects a substantial amount of data from retailers. While we share data with the AER to the extent possible, moving all of the ACCC's electricity-specific functions to the AER would reduce frictions in relation to data collection and reduce duplication in our workforces.

The AER has specific expertise in energy market regulation. Consolidating the functions within the AER would enable regulation of the electricity sector through a more streamlined regulatory structure.

Remove ACCC's role in registration of certification trade marks

Trade marks are used to distinguish the goods and services of one business from those of other businesses.

A certification trade mark is a type of trade mark. It is usually a logo, word or phrase that indicates to consumers that a product or service meets a particular standard or has certain qualities or characteristics. These standards usually relate to matters like a quality, place of origin or manufacturing method.

All certification trade marks must have rules containing the requirement that goods or services must meet to display the mark, and the way it is decided that the requirements have been met.

While IP Australia is the agency responsible for the registration of certification trade marks, the ACCC has a role in assessing the rules to ensure that the certifier is appropriately qualified, that the rules won't be to the detriment of the public, and that they are satisfactory for competition, consumer protection, unconscionable conduct and product safety principles.

Most certification trade mark applications do not raise competition or consumer concerns, but if they did, the ACCC would be able to enforce competition laws and the Australian Consumer Law. However, the ACCC's current role adds a layer of assessment to the

process, causing delays and creating substantial work for certification trade mark owners and the ACCC.

The development of options to deliver the policy intent would be a significant reform. Alternatively, removing the ACCC's role in certification trade marks is a practical deregulatory measure that will deliver real gains. In reality, there are many trade marks that are used and represented to consumers in a manner similar to a certification trade mark, without having been assessed as such. This undermines the policy intent behind the creation of the certification category whilst also creating significant time and process costs for applicants.

Revoke the Wheat Port Code

The Wheat Port Code is a code that requires wheat ports to meet certain behavioural and transparency requirements. The Code was designed during the transition from the heavily regulated wheat marketing arrangements that applied to large-scale monopoly or near-monopoly port terminal service providers that were also exporters of bulk wheat (that is, vertically integrated service providers). The Wheat Port Code by contrast was designed to apply to all port terminals service providers, including smaller-scale and non-vertically integrated service providers.

The Wheat Port Code may be causing unintended consequences and the overall level of regulatory burden it imposes may now exceed its benefits. Repealing the Code (or allowing it to sunset) represents an opportunity to remove regulations that are no longer fit for purpose, lack enforceability, and may be raising barriers to entry for new small to medium-sized port terminal service providers.

Over time the Code's application and overall regulatory burden has increased significantly and has increasingly applied to smaller-scale new entrants. Further, a lack of clarity in the drafting of key obligations and the Code's lack of penalty provisions has significantly limited the Code's enforceability and overall limited the effectiveness and utility of key obligations.

The ACCC considers that allowing the code to sunset in 2026 in the medium term will deliver productivity benefits by removing a range of reporting and compliance obligations on port terminal service providers, especially small to medium-sized providers.

Uplifting our data capability to both increase our efficiency and effectiveness and reduce regulatory burden

Our recent *Effectiveness and Business Stakeholder Survey* highlighted perceptions that the ACCC is not using data as effectively as we could.

We use a significant amount of data in undertaking our functions. We collect data from:

- open sources,
- third party data providers via procurement,
- other government agencies, and
- market participants – either voluntarily through consultations or using our statutory or mandatory information gathering powers.

We seek to reuse data where possible and to derive insights and obtain evidence from the data we collect to inform our decisions. Every time data is reused, we increase its value, reducing the burden on business who then can provide less data or spend less time on duplicative requests. We increase our productivity by spending less time collecting it.

We consider that there are significant opportunities to make better use of data sharing across government. This includes agencies sharing data externally, primarily with other government departments or agencies, but potentially also with market participants or the public.

Data access and sharing opportunities for improved productivity

Combating cartel conduct, including bid rigging, is an enduring priority for the ACCC due to the significant effect of cartel conduct on the competitive process and resulting harm to the Australian economy.

Cartel conduct causes economic damage by artificially raising prices, limiting consumer choice, and reducing incentives for businesses to improve and innovate. Public procurement is particularly vulnerable to cartel conduct associated with the transparency of procurement processes and where large scale or specialised goods and services mean that only a small number of firms are suitable to supply them.

The ACCC is currently working with the Australian Treasury on reform to Commonwealth government procurement policies and data collection processes to capture and report procurement data to the ACCC for screening of cartel conduct. This initiative seeks to make comprehensive public procurement data available to the ACCC for modern screening and detection techniques and will significantly assist the ACCC to support the government in the detection and prevention of cartels in public sector procurement.

Other examples relevant to the ACCC's work include Australian Taxation Office data to inform our merger analysis and surveillance work.

The ACCC could also share gas data externally with other government agencies. Consideration could also be given to new data sources that could be collected, for example, consumer spending data, or shared by other agencies.

We need to adopt a 'collect once, use many' approach to data assets

There are policy and legislative barriers that restrict our ability to use data we collect multiple times for regulatory compliance purposes, and there are barriers prohibiting the sharing or collection of data. Removing these barriers would require a change to our legislation.

In addition, many of our existing systems are legacy or not connected. This is particularly the case for our data storage systems and for systems that can collect external data at scale. Fixing this will require an IT uplift to enable data sharing and realise the efficiencies of reusing data both within the ACCC and across government.

AI has great potential for operational efficiencies and outcome

Data quality and accessibility will be key to the development of AI tools, which will also drive efficiency and reduce burden on industry.

AI tools for regulatory agencies such as the ACCC can lead to operational efficiencies (such as the automation of repetitive tasks) as well as more efficient outcomes through proactive detection and horizon scanning tools.

Data management practices and supporting systems will be essential foundations for AI development.

Addressing the market power of digital platforms and monopoly power of infrastructure owners will drive productivity improvements

The concentrated market power of digital platforms and large infrastructure companies continues to drag down efficiency and productivity across the Australian economy. Current regulatory frameworks contain critical gaps that prevent the ACCC from effectively addressing the spectrum of competition concerns arising in digital and infrastructure markets.

The ACCC will continue working with Treasury to implement the proposed digital competition regime to address the market power of digital platforms. The regime will create binding conduct obligations that prevent anti-competitive practices including self-preferencing, denial of interoperability, and the imposition of unfairly punitive terms. The framework addresses market failures in digital markets that competition law is unable to address. By establishing clear and upfront rules, the regime will enable Australian businesses to contest digital markets more effectively while providing platforms with regulatory certainty about acceptable commercial practices.

Infrastructure monopolies, particularly in telecommunications, transport, and utilities, provide essential inputs required by businesses. While Part IIIA of the CCA provides the ACCC appropriate tools to address concerns relating to the conduct of vertically-integrated businesses, significant regulatory gaps exist for non-vertically integrated monopolies that similarly exercise market power.

Some essential non-vertically integrated monopolies are today subject to price notification and price monitoring regimes. While price monitoring and price notification regimes can be fit-for-purpose in some markets, neither are effective at curtailing the exercise of market power of infrastructure monopolies.

There is an opportunity to reform the law to enable the ACCC to address the monopoly power of non-vertically integrated natural monopolies. Providing the ACCC appropriate tools to address monopolistic conduct by infrastructure operators could relieve cost pressures or provide certainty of access for many businesses that rely on these monopolies and strengthen incentives for investment and innovation.

The ACCC recognises that these proposals create additional regulatory burden on industry participants. However, we believe that the efficiency and productivity benefits that will be unlocked by the regulations substantially outweigh their costs. By constraining monopoly power, these reforms will drive the next wave of productivity gains that will benefit all Australians.