

# ACCC 2025/26 enforcement priorities

## Cost of living pressures

The ACCC will focus on concerns that impact cost of living pressures. This includes prioritising:

- competition issues, focusing on firms with market power and conduct that impacts small business;
- promoting competition in essential services;
- consumer, fair trading and pricing concerns in relation to essential services, with a focus on misleading pricing practices; and
- compliance in relation to surcharging rules and addressing misleading surcharging practices and add-on costs.

## Key sectors of focus

- The ACCC will be prioritising competition and consumer issues in the aviation sector, with data showing increased competition on airline routes reduces consumer prices.
- The ACCC remains aware of competition, consumer and fair-trading issues in the digital economy, with a particular focus on misleading or deceptive advertising in influencer marketing, online reviews, in-app purchases and unsafe consumer products.
- The ACCC introduced a new compliance and enforcement priority in relation to surcharging rules and misleading surcharging practices and add-on costs.

## Consumers and small business

The ACCC will focus on:

- Unfair contract terms in consumer and small business contracts, with a focus on cancellation terms, early termination fee clauses and non-cancellation clauses.
- Improving industry compliance with consumer guarantees, with a focus on consumer electronics.
- Consumer product safety issues for young children, with a focus on the safety of nursery products, including furniture, infant self-feeding and infant sleep products.
- The ACCC introduced a new priority aimed at improving compliance by NDIS providers with their obligations under the ACL.

## Competition enforcement

- The ACCC will continue to focus on cartel and anti-competitive conduct, which remains an enduring priority.
- In particular, the ACCC will continue to bring cartel proceedings, and noted that a number of advanced cartel investigations are ongoing with the aim to progress court action.
- The ACCC also noted it is beginning to focus more on conduct that falls short of an anti-competitive contract, arrangement or understanding, but would constitute a concerted practice.
- The ACCC will continue to focus on anti-competitive agreements and concerted practices as part of its ongoing anti-competitive conduct enduring priority.

## Environment and sustainability

- The ACCC indicated it will focus on both competition and consumer concerns regarding companies that make sustainability and environmental claims.
- In relation to consumer concerns, the ACCC will focus on greenwashing claims.
- The ACCC says it is critical that environmental claims are substantiated, as this impacts both business incentives to invest in green initiatives, and competition.

### WHAT HAPPENED IN 2024/25?

- The ACCC conducted a sweep of sales advertising by Australian businesses online and in store and published concerns that a number of claims about the size and scope of discounts may be misleading consumers.
- M2 Energy Pty Ltd, trading as Dodo Power & Gas, paid \$82,500 in penalties after the ACCC issued six infringement notices for alleged contraventions of the Electricity Retail Code.

### WHAT HAPPENED IN 2024/25?

- The ACCC instituted proceedings against Webjet Marketing Pty Ltd for allegedly making false and misleading representations to consumers about flight prices and bookings. The ACCC alleges that prices quoted to consumers on its app, marketing emails, social media and website excluded Webjet's compulsory fees.
- Treasury released its consultation paper into the regulation and designation of digital platforms. It is also consulting on the effects of AI within the economy.

### WHAT HAPPENED IN 2024/25?

- There is significant law reform currently occurring, including changes to consumer guarantees and unfair trading practices.
- The ACCC instituted proceedings against Ausnew Home Care Service Pty Ltd, a registered NDIS provider. The ACCC alleges Ausnew made false or misleading representations regarding the usual prices of products, the time-limited nature of sales and the savings consumers could achieve during these sales. The ACCC also claims Ausnew falsely stated that certain products were 'NDIS approved' and misrepresented consumers' rights under the ACL.

### WHAT HAPPENED IN 2024/25?

- The ACCC published its new Cartels Immunity policy, to clarify requirements for applicants. The updated guidance restricts the presence of corporate representatives at derivative applicant interviews and requires immunity applicants implement or undertake to implement a compliance program. The ACCC cites the Immunity Policy as a key strategy for detecting and deterring cartels.

### WHAT HAPPENED IN 2024/25?

- The ACCC finalised its guidelines into sustainability collaborations in December 2024. The final guide is accompanied by a 'quick guide' and a five-step checklist to help businesses quickly assess their competition law risk and exemption options.

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