

ACCC response to COVID-19 pandemic

27 March 2020

The ACCC is highly conscious of the impact COVID-19 is having on Australian consumers and businesses, and has adjusted the focus of its regulatory activities accordingly.

Most businesses are facing severe disruption, particularly small businesses, and the future is uncertain for many. The ACCC will factor these circumstances into its consideration of competition matters in the short term to assist businesses to remain viable in the long term.

Maintaining competition in the long term will be critical to benefit both consumers and the economy. A competitive economy will be vital to Australia's future, so as much as is possible, the ACCC wants to ensure any changes to the competitive landscape now are temporary and that the ACCC is ready to play its role in supporting competition as the economy recovers.

While our 2020 Compliance and Enforcement Priorities remain in place, we will re-focus our efforts to those priorities of most relevance to competition and consumer issues arising from the impact of COVID-19.

This includes enhancing the ACCC's efforts to address any behaviour by businesses which seek to exploit the crisis either to unduly enhance their commercial position or harm consumers.

Advice for businesses and consumers relating to **consumer guarantees** is available at [acc.gov.au](https://www.accc.gov.au). The ACCC will update its website with advice as new issues emerge and in response to consumer enquiries via our website, Infocentre, and social media channels.

The ACCC has established an internal **COVID-19 Taskforce** which is already communicating directly with businesses to educate them about their obligations in relation to cancellations, refunds and suspension of services as a result of COVID-19.

We will also continue to raise awareness of **COVID-19 scams**, particularly as scammers adapt old methods to prey on new fears at a time when large parts of the community are already feeling vulnerable.

'**Price gouging**' for essential products is a significant public concern at this time and the ACCC will prioritise its activities in relation to this conduct. While price gouging is generally not illegal, if a business makes misleading claims about the reason for price increases, it will be breaching the Australian Consumer Law. It is also possible that extreme price gouging for essential products may amount to unconscionable conduct.

The ACCC will continue to focus on **affordability issues** in sectors such as energy, communications and petrol. The ACCC will draw attention to those sectors where it considers there to be excessive pricing, and where necessary will identify businesses engaging in conduct of this kind in these and other sectors. The ACCC recognises that affordability of essential services is particularly critical at a time of growing unemployment.

The ACCC will continue to actively engage with governments and businesses about **potential authorisations** that support coordination between competitors that is ordinarily prohibited but which is necessary and in the public interest at this time (eg the application by supermarkets

allowing a coordinated approach to best ensure grocery supply). The ACCC encourages any businesses or industry groups with enquiries to contact it directly via adjudication@acc.gov.au. These matters will be progressed very quickly.

In our **enforcement** activities, the ACCC will seek to minimise regulatory burden as far as possible, and will carefully consider the impact on businesses already under pressure when making decisions about the scope and timing of statutory notices for the production of information and documents. The ACCC will also minimise the use of compulsory examinations, and where they are necessary we will conduct them by phone or video conference.

The ACCC will continue to consider proposed **mergers** but recognises timelines for some reviews/applications (including those with statutory timeframes) may need to be extended if there are challenges in conducting and completing the necessary inquiries with merger parties and market participants due to COVID-19. Some reviews will need to be conducted on an urgent basis. The ACCC has also published [more detailed guidance](#) for interested parties.

In relation to **infrastructure regulation**, the ACCC will consider exemptions if current obligations become impracticable as a consequence of COVID-19. In the interests of reducing regulatory burden, public inquiries that consider new regulation will generally be deferred. The ACCC will continue monitoring important sectors, including the performance of broadband services, the price of fuel, and the operation of energy markets.

The ACCC will continue to progress the **Consumer Data Right** (CDR) in consultation with the Department of Treasury and industry, and is looking at ways of providing flexibility for participants where required.

The ACCC will always prioritise our **Product Safety** responsibilities to keep Australians safe. At a time where many people are ceasing to use public transport in favour of private vehicles drivers are reminded that it is essential to check whether your vehicle is subject to a recall due to dangerous Takata airbags via productsafety.gov.au.

The ACCC will also be looking at the ways in which it can contribute to the broader effort of the Australian Public Service to address the impacts of COVID-19.

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