

The ACCC's compliance and enforcement priorities for 2025-26, and the key takeaways for businesses, are summarised below.

Supermarkets and Essential Services (and Aviation)

- Competition and fair-trading concerns in the supermarket sector focusing on firms with market power and conduct that is harmful to small business.
- Fair-trading concerns in the supermarket sector focusing on misleading pricing practices.
- Promoting competition and focusing on misleading claims in essential services with a focus on telecommunications, electricity and gas.
- Competition and consumer law issues in the aviation sector.

Retail Sector (Including Online Retailing)

- Misleading price surcharging practices and add-on costs.
- Fair trading in the digital economy, focusing on:
 - Misleading influencer marketing;
 - In-app purchases;
 - Consumer guarantees and unsafe products;
 - Unfair contract terms; and
 - Subscription traps.

Environmental Claims or Greenwashing and Sustainability Coordination

- Enforcement focus on greenwashing.
- Competition issues of coordination regarding sustainability and consideration of whether such arrangements result in public benefits.

Competition Law Generally

Focus on:

- Cartels;
- Misuse of market power; and
- Anti-competitive arrangements that substantially lessen competition.

Vulnerable Consumers

Prioritising conduct:

- Harmful to consumers experiencing vulnerability or disadvantage;
- Impacts the welfare of First Nations Australians;
- More generally improves compliance by National Disability Insurance Scheme providers;
- Involves consumer scams; and
- Involves consumer product safety issues for young children.

Mandatory Merger Clearance

- Ensuring transparency by consulting on draft analytical and process guidelines, produced by 31 March 2025.
- Ensuring the successful transition to the new regime and efficiencies of the regime – anticipating that ~80% of notified mergers will be approved within 15-20 business days.

Consumer Law Generally

Focus on:

- Misleading conduct;
- Compliance with unfair contract terms;
- Consumer guarantees regime; and
- Pursuing unfair trading practices laws.

Key Takeaways for Businesses

- ✓ Ensure marketing claims are accurate, not misleading and can be substantiated. 'Green' claims or pricing specials (such as 'was/how' claims), as well as advertising in the essential services and supermarket sectors, should be closely monitored.
- ✓ Assess digital marketing tools such as influencer advertising, online reviews, in-app purchases and price comparisons, to ensure they do not create misleading or deceptive impressions.
- ✓ Review consumer guarantees processes (particularly in the areas of electronics and delivery timeframes and non-delivery).
- ✓ Review standard form contracts to ensure compliance with the unfair contract terms regime.
- ✓ Closely monitor business activities which could impact competition. Risks may arise from collusion with competitors or exclusive arrangements (especially within essential services or if small business is impacted).
- ✓ Consider whether any public benefits relating to sustainability may arise when applying for conduct authorisations.
- ✓ Ensure ongoing compliance (and mitigation of the above risks) by setting up the correct internal processes, for example by providing staff training.