

Australia: ACCC Compliance and Enforcement Priorities in 2025/26

In brief

On 20 February 2025, the Chair of the Australian Competition and Consumer Commission (**ACCC**), Gina Cass-Gottlieb, announced the ACCC's compliance and enforcement priorities for 2025/26 at the annual address to the Committee for Economic Development of Australia.

Ms Cass-Gottlieb identified a range of industry sectors, as well as specific competition and consumer law issues that will be the focus of the ACCC's compliance and enforcement activities for 2025/26. Many of these areas continue from last year.

Key takeaways

- The ACCC will seek to successfully implement the new mandatory merger filing regime which comes into effect from 1 January 2026 and will take enforcement action if mergers are not notified.
- The ACCC's key focus areas for 2025/26 will include the supermarket and retail sector, aviation and essential services (particularly telecommunications, energy, electricity and gas). The ACCC will also maintain its ongoing focus on the digital economy.
- The ACCC will continue its focus on environmental and sustainability claims (often referred to as 'greenwashing'), compliance with consumer guarantees (with a continued focus on consumer electronics) and unfair contract terms (particularly cancellation terms, automatic renewals and early termination fee clauses). A new priority on misleading surcharging practices and other add-on costs has been added.
- The ACCC's enduring priorities of cartel conduct, misuse of market power and other anti-competitive conduct will continue, with Ms Cass-Gottlieb stating that the ACCC had obtained total record penalties of over AUD 100 million for competition enforcement in the 2024 financial year.

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Compliance and enforcement priorities for 2025/26

On 20 February 2025, Ms Cass-Gottlieb, announced the ACCC's compliance and enforcement priorities for 2025/26.¹

The key updates are summarised below.

New merger regime

While not a specific compliance and enforcement priority, the ACCC will prioritise the implementation of the new merger control regime in 2025/26. The new regime will come into effect from 1 January 2026, with voluntary notification available from 1 July

¹ For more information regarding the ACCC's 2025/26 compliance and enforcement priorities, including a copy of Gina Cass-Gottlieb's speech, visit the Media Release [here](#).

2025. The key change is the shift from a voluntary, judicial enforcement model to a mandatory, administrative regime, with the ACCC as the primary decision-maker on notified acquisitions.² The ACCC will release guidelines on the transitional arrangements in the coming weeks, with voluntary notification under the new system available from 1 July 2025. The ACCC will commence consultation on draft process guidelines and analytical guidelines before the end of March 2025.

Ms Cass-Gottlieb said that ACCC will not hesitate to take enforcement action against mergers that fail to be notified, including notifiable serial acquisitions.

Ms Cass-Gottlieb said that the ACCC expected that around 80 per cent of notified mergers will be approved by the ACCC within 15 to 20 business days (3 to 4 weeks), however questions from the audience suggested that businesses and legal practitioners remained concerned that the ACCC has the resources to meet these tight timeframes.

Competition and consumer issues in supermarket and retail sectors

The ACCC will prioritise competition concerns in the supermarket and retail sectors, focusing on firms with market power and conduct that impacts small business. It will also focus on misleading pricing practices. There have been some notable developments in these sectors:

- The ACCC will be releasing the final report of its inquiry into competition and pricing in the supermarket industry shortly, with the report due to be provided to the Government by 28 February 2025.
- In September 2024, the ACCC commenced separate proceedings against Coles and Woolworths for allegations of false and misleading representations in breach of the Australian Consumer Law.
- In October 2024, the Government announced that the ACCC will receive an additional AUD 30 million funding over 3.5 years to investigate and enforce concerns in the supermarket and the broader retail sector.

Essential services: telecommunications, energy, electricity and gas

The ACCC will continue to promote competition in relation to these essential services. The ACCC made several recommendations to improve competition and consumer outcomes in the energy sector to enhance market transparency, reduce regulatory constraints to promote investment and innovation and implement reforms to encourage customer switching.

Aviation

The ACCC noted that competition in the aviation industry has been significantly impacted with the collapse of Bonza airlines and the withdrawal of Rex services from metropolitan routes. The ACCC will continue to prioritise competition and consumer issues in the aviation sector.

Digital economy

In light of the critical role digital platforms play in the Australian economy, the ACCC will continue its compliance and enforcement work in this sector, with a particular focus on competition issues in digital markets as well as misleading or deceptive advertising within influencer marketing, online reviews and in-app purchases.

The ACCC has also been working with Treasury to implement a new digital competition regime.

Environmental claims and sustainability

The ACCC will continue to prioritise competition and consumer concerns in relation to environmental claims and sustainability with a particular emphasis on greenwashing. The ACCC has several ongoing investigations and will continue to target misleading greenwashing claims across a range of sectors including energy, food, fashion and homewares.

Ms Cass-Gottlieb said that the ACCC would continue to work to ensure genuine sustainability collaborations between businesses are not deterred, noting that the ACCC had released the final guide for business on sustainability collaborations and Australian competition law in December 2024.³

² For more information on the key changes and the practical implications of the new merger control regime, visit our client alert [here](#).

³ A copy of the ACCC's guide for business on sustainability collaborations and Australian competition law, published in December 2024 is available [here](#).

Unfair contract terms

The ACCC will prioritise enforcement of unfair contract terms in consumer and small business contracts with an emphasis on harmful cancellation terms, including those associated with automatic renewals, early termination fee clauses and non-cancellation clauses. In addition, the ACCC will be on the look out to remove unfair contract terms including so-called "subscription traps" in online sales.

Consumer guarantees

The ACCC will continue to focus on improving industry compliance with consumer guarantees, particularly in relation to consumer electronics.

Surcharging and other add on costs - a new priority

In 2025/26, the ACCC will introduce a new priority to address misleading surcharging practices, focusing on compliance with the excessive surcharging prohibition and improving practices to ensure that all add-on costs are appropriately disclosed.

Product safety for young children

Product safety for young children will continue to be a focus for the ACCC, particularly in the enforcement of button battery standards. In addition, the ACCC will also focus on raising awareness on new infant sleep and toppling furniture standards.

Enduring priorities

Each year, the ACCC remains focused on its enduring priorities, which include cartel conduct, anti-competitive conduct, product safety, consumers experiencing vulnerability or disadvantage, conduct impacting First Nations Australians, protection of small businesses and working together with the National Anti-Scam Centre to detect harm caused by scams.

Ms Cass-Gottlieb emphasised that the ACCC had a "robust pipeline" of competition law matters under investigation, and record penalties for competition law matters during the 2024 financial year. Some commentators noted that the ACCC has not brought many competition enforcement cases recently, with only one case brought last year in December.

Advocacy and reform priority

The ACCC will advocate for the introduction of a prohibition on unfair trading practices to address what it perceives to be a gap in the existing consumer laws in Australia. Ms Cass-Gottlieb said that the complexity and sophistication of online and offline commerce has presented new opportunities to influence and distort consumer decision-making, and that the proposed new prohibition (the necessity of which is still being debated) is critical.

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