



20 June 2025

Sent by email: ncp@pc.gov.au

Dear Deputy Chair Robson and Commissioner de Fontenay

National Competition Policy Analysis 2025

The Australian Competition and Consumer Commission (ACCC) welcomes the opportunity to respond to the Productivity Commission's call for submissions on the National Competition Policy analysis.

The ACCC is an independent Commonwealth statutory agency that promotes competition, fair trading and product safety for the benefit of consumers, businesses and the Australian community. The primary responsibilities of the ACCC are to enforce compliance with the competition, consumer protection, fair trading and product safety provisions of the Competition and Consumer Act 2010 (CCA), regulate national infrastructure and undertake market studies. The CCA also contains the Australian Consumer Law (ACL).

One of the ACCC's key roles in administering the CCA is to take action to protect consumers from unsafe goods and services. This encompasses our usual suite of compliance and enforcement actions as well as product safety specific actions including voluntary and compulsory recalls, mandatory standards and providing advice to the relevant Minister regarding safety warning notices and bans.

The ACCC works collaboratively with other regulators and consumer protection agencies to identify and address the risk of serious injury and death from safety hazards in consumer products. The ACCC coordinates these efforts with other regulators to avoid duplication, consistent with the Government's Statement of Expectations.

Mandatory Standards

In Australia, harmonised mandatory standards and consistent regulatory frameworks across different levels of government are crucial for national efficiency, regulatory effectiveness and interoperability. Accordingly, Governments need to ensure mandatory standards are harmonised consistently across all levels of government where applicable and are consistent with overseas and international standards where appropriate.

The regulation of both supply and use need to be considered

The ACCC administers a range of mandatory safety standards for consumer products under the ACL. These mandatory safety standards regulate the *supply* of those goods, and apply across all states and territories within Australia. While states and territories have a voting role in relation to mandatory information standards, no further action by states and territories is required for nationally consistent mandatory safety standards to take effect in relation to the *supply* of products.

Mandatory standards made under the ACL include mandatory safety standards regulating the *supply* of child car restraints and bicycle helmets, however the *use* of these two

consumer products is also regulated by state and territory road authorities. Governments should ensure mechanisms exist to harmonise *use* laws with *supply* laws to ensure products which are legal to supply are also legal to be used.

Greater consistency with international and overseas standards

In late 2024 the ACL was amended to improve the flexibility of mandatory standards, including by broadening the scope of matters that a safety standard can address, making it easier to reference voluntary overseas standards, and allowing compliance with referenced standards as they change from time-to-time.

The amendments are designed to allow businesses to keep pace with global developments in real time, and without needing to meet outdated Australian requirements. Suppliers will have a greater choice of Australian and overseas standards that they can comply with, reducing barriers to trade and supplier costs by removing the need to test to bespoke Australian requirements. Consumers will also benefit through cheaper prices and increased choice, with access to products in overseas markets, without any reduction in product safety.

The ACCC will commence a series of expedited reviews of existing mandatory standards from July 2025. These reviews will consider which voluntary overseas and international standards should be added as compliance options for mandatory standards. The reviews will also consider whether references to these standards should be 'ambulatory' so that changes to the referenced international or overseas standard flow through to the mandatory standard without further amendments being required to the mandatory standard.

National Electrical Safety Taskforce (NEST)

In Australia, electrical safety and regulation are primarily the responsibility of states and territories. In 2024 the National Electrical Safety Taskforce conducted a review of the electrical safety frameworks for household electrical consumer products. The taskforce was a partnership between the ACCC and the Department of Finance, which worked closely with state and territory electrical safety regulators and consulted industry, consumer groups and other relevant government agencies.

The Taskforce developed a Reform Action Plan, which recommends actions to achieve:

- a) a nationally consistent framework for consumer electrical safety and; and
- b) the development of a nationally agreed pathway for market-wide recognition of overseas standards that provide an appropriate level of safety for household electrical consumer products.

The Reform Action Plan also includes a revised intergovernmental agreement and updated and harmonised administrative arrangements for the electrical equipment safety system, with jurisdictional legislative reform. The plan is supportive of broader government policies, including the transition to net zero (in particular through proposals to ensure appropriate regulation of lithium-ion battery and other low voltage electrical products) and the increased use of international and overseas standards.

The recommendations in the Reform Action Plan have recently been published on the [Department of Finance](#) and [ACCC Product Safety](#) websites. In November 2024, Treasurers agreed at a Council on Federal Financial Relations meeting that Commonwealth and State and Territory Governments will cooperate to harmonise and consistently implement the regulation of household electrical consumer products. This will involve the creation of a National Meeting of Consumer Electrical Safety Ministers who will oversee and monitor

implementation of agreed reforms. State and Territory Governments could be incentivised to commence work on implementing the program to harmonise and consistently implement the regulation of household electrical consumer products. The reforms will help to achieve a nationally consistent framework for consumer electrical safety. This should lower compliance costs and make it easier for businesses to sell products across all jurisdictions, whilst also improving safety outcomes. Doing so will help to increase competition and consumer choice for electrical products.

Other reforms

Oversight and regulation of concentrated markets and monopolies

Concentrated markets and infrastructure with natural monopoly characteristics or high barriers to entry can result in lower productivity and innovation in markets, as well as less choice and higher prices for consumers. Competition and efficient markets can drive productivity improvements in businesses for the benefit of Australian consumers and the economy.

The ACCC made two submissions to Treasury's competition policy review in [February 2024](#) and [September 2024](#) that identify potential reforms to the regulation of concentrated markets, privatisations and government procurement. The Productivity Commission may find those contributions relevant to its considerations. We also welcome the progress to date on reforms, including the November 2024 agreement between the Commonwealth, state and territory treasurers to revitalise National Competition Policy and look forward to continuing to play a productive role in future tranches of this work.

Yours sincerely

Mick Keogh
Deputy Chair