

CRACKING DOWN ON MANIPULATIVE AND FALSE PRACTICES; PROMOTING COMPETITION IN DIGITAL MARKETS AND COMPLIANCE ON CONSUMER GUARANTEES: ACCC 2026–2027 COMPLIANCE AND ENFORCEMENT PRIORITIES

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IN BRIEF

The Australian Competition and Consumer Commission (ACCC) has released its compliance and enforcement priorities for 2026–2027 (the 2026–2027 Priorities).

While many of the ACCC's 2026–2027 Priorities have been retained from last year (including the focus on unfair contract terms, environmental claims and sustainability, and competition and pricing practices in supermarkets and retail sectors), the ACCC has announced a new focus on the following areas:

- Manipulative and false practices and unsafe consumer goods in digital markets;
- Promoting competition in digital markets; and
- Improving industry compliance with consumer guarantees—this year focusing on motor vehicles.

The ACCC's 2026–2027 Priorities will have direct implications for operators of digital platforms and markets, suppliers of consumer goods and businesses that rely on subscription-based models.

These priorities together with the upcoming introduction of an [unfair trading practices prohibition](#) into the Australian Consumer Law (ACL) mean that businesses involved in these areas should expect heightened scrutiny from the ACCC this year and review their practices in preparation.

In this article, we outline the ACCC's 2026–2027 Priorities, focusing on the new, as well as its enduring priorities, along with some practical steps for businesses to consider going forward.

For a full list of the 2026–2027 Priorities, please see [here](#).

THE ACCC'S COMPLIANCE AND ENFORCEMENT PRIORITIES FOR 2026–2027

Digital and Data-Enabled Markets

Given the integral role that digital markets play in the consumer experience—from businesses' marketing practices to how consumers access products and services—the ACCC continues to prioritise ways of protecting consumers, promoting competition, facilitating transparency and consumer trust, and allowing innovation to thrive within these digital markets.

Manipulative Practices and Unsafe Consumer Goods

Undesirable practices such as dark patterns and subscription traps aim to unfairly influence and manipulate consumer behaviour, which can have lasting effects on competition and consumer wellbeing. In her speech, Ms Gina Cass-Gottlieb also acknowledged the recent rise in unsafe consumer goods available across Australia, expedited by the growing scale of digital markets.

The ACCC's focus on manipulative and false practices will not be restricted to large social media platforms or app stores. These concerns may also arise in any digital interface used to sell goods or services online—including subscription services, online marketplaces, e-commerce sites and software platforms.

Digital Platform Competition Reform

The ACCC continues to advocate for the introduction of a specific digital competition regime, which includes service-specific codes of conduct for certain platforms and critical intermediary services. Its engagement with the government is ongoing.

Promoting competition and enforcing the Consumer Data Right are also central to the ACCC's digital agenda in 2026–2027, to provide consumers and small businesses greater control over their data.

Scams

The ACCC will implement Australia's new Scams Prevention Framework as part of its digital markets work. This framework establishes a coordinated, economy-wide approach, requiring designated sectors to take proactive steps to prevent, detect, disrupt, respond to and report scams, and to share actionable intelligence with the ACCC.

Consumer Safety, Trust and Confidence

Greenwashing

The ACCC will continue to prioritise enforcement of consumer and fair trading issues, as Australia's transition to net zero and consumer sentiments continue to lead to an increasing prevalence of environmental and sustainability claims. With the increase of environmental claims made in relation to goods and services, the ACCC acknowledges the importance of ensuring that such claims are not misleading or deceptive, as consumers rely on this information to make informed decisions.

The ACCC's focus on greenwashing is particularly relevant for businesses making environmental or sustainability claims about their own physical products, as well as their packaging, supply chains and inputs. Environmental and sustainability claims should be carefully substantiated, particularly where they rely on third-party certifications or complex lifecycle assessments.

Product Safety

The ACCC will prioritise product safety issues for young children, with a focus on compliance with button battery, infant sleep and toppling furniture mandatory standards. Button batteries remain of particular concern, with the ACCC's enforcement actions in the past year including the following:

- A AU\$14 million penalty imposed by the Federal Court of Australia (Federal Court) on City Beach for supplying products that failed to comply with existing mandatory safety standards for button batteries; and
- Infringement notices and court enforceable undertakings relating to products supplied by The Wiggles and Hungry Jack's that lacked the required button battery warnings.

The ACCC has previously emphasised that the responsibility for ensuring products are safe rests with all parties across the supply chain—the onus is not only on the manufacturer of the relevant product, but the importer, distributor and retailer as well.

Unfair Contract Terms and Consumer Guarantees

The ACCC's priorities for 2026–2027 also include unfair contract terms in consumer and small business contracts, particularly in relation to harmful cancellation practices. Such harmful cancellation practices include:

- Automatic renewals;
- Early termination fees; and
- Non-cancellation clauses.

Improving industry compliance with consumer guarantees—particularly relating to motor vehicles—is another area of focus for the ACCC for the year ahead.

Supermarket and Retail

In the past year, the ACCC has acted in relation to conduct that undermines competition and hinders consumers' ability to make informed choices, including commencing cartel proceedings in the fresh produce space, and actions in relation to resale price maintenance to address restrictions on price competition within retail supply chains.

These enforcement actions focus not only on enforcement, but on restoring competitive freedom and embedding compliance to prevent recurrence.

Consumer and fair trading concerns in the supermarket and retail sector also remain a priority for the ACCC. Ensuring accurate and meaningful pricing information for consumers to make informed choices remains a key focus, as this is, as noted by Ms Cass-Gottlieb, "fundamental to effective competition".

To underpin this, the ACCC has conducted major sweeps of retailers' Black Friday and Boxing Day advertising—particularly targeting misleading conduct relating to discounts. The ACCC also has ongoing Federal Court proceedings against Woolworths and Coles for alleged misleading discount pricing claims.

Essential Services (Telecommunications, Electricity and Gas)

The ACCC is also aiming to promote competition and address misleading pricing and claims in the telecommunications, electricity, and gas markets.

Ms Cass-Gottlieb highlighted the importance of transparency and accountability in these markets, where market concentration and complex pricing structures can hinder consumers and small businesses from making informed decisions.

The ACCC, in recent years, has engaged in monitoring and reporting on retail electricity, which improved transparency in the energy market and allowed the agency to identify problem areas. It has also previously acted against Optus, obtaining a five-year court-enforceable undertaking from Optus to commit to consumer remediation through various actions.

Aviation

The aviation sector was noted by Ms Cass-Gottlieb to be "characterised by high concentration, significant barriers to entry, and limited consumer choice". As a result, pricing transparency is a concern for consumers, along with any available remedies when services are not delivered as promised.

The ACCC will continue to focus on competition and consumer issues in aviation, advocating for better outcomes and fair treatment. This will be done through market monitoring, advocacy to promote better competition and consumer outcomes, and any appropriate enforcement actions.

THE ACCC'S ENDURING PRIORITIES

The ACCC's enduring priorities serve as the foundation for its annual compliance and enforcement initiatives, providing direction for the regulator's enforcement activities. This year, the ACCC reaffirmed its enduring enforcement focus on conduct that fundamentally undermines competition and consumer welfare. Examples of such conduct include:

- Cartel and collusive behaviour;
- Exclusionary conduct;
- Anti-competitive agreements or conduct; and
- Misuse of market power.

Ms Cass-Gottlieb emphasised that the ACCC's enforcement program remains robust, with four cases currently before the courts that involve allegations of cartel conduct across different sectors. Notably, the ACCC highlighted its misuse of market power case against Mastercard, with the trial scheduled for March 2026.

The ACCC's also re-stated its commitment to prioritise enforcement against actions that place consumers at serious risk, such as:

- Unsafe products;
- Scams; and
- Practices that disproportionately harm vulnerable or disadvantaged consumers, including First Nations Australians.

In addition to the above, the ACCC continues to be vigilant against unfair dealings with small businesses, particularly in the agriculture sector where power imbalances can be significant.

OTHER MATTERS

Unfair Trading Practices

In addition to the 2026–2027 Priorities outlined above, the ACCC continues to advocate for a general prohibition on unfair trading practices in the ACL.

The ACCC's position is that a general prohibition on unfair trading practices embedded in the ACL would "operate as a safety net" and address harmful conduct that may not be adequately addressed or captured by the current law. A general prohibition, if implemented, would facilitate fair conduct and bridge regulatory gaps while simultaneously providing flexibility to respond to emerging harms according to market movements.

These unfair trading practices provisions are currently still in the draft stages, proposed to commence in July 2027. For more information on the proposed laws relating to unfair trading practices, please see our Insight article [here](#).

Merger Reform

The ACCC has also emphasised its intent to "remain focussed on administering the new regime transparently and efficiently" in the year ahead. Ms Cass-Gottlieb noted that the ACCC had met its target of determining an estimated 80% of waiver and notification applications within 20 business days.

Both the ACCC and businesses continue to adjust to the administration of the new regime. Further amendments to the legislation are expected later this year, and Treasury has committed to a review of the relevant monetary thresholds 12 months after coming into effect.

For more information on the mandatory merger clearance regime, please visit our Insight article [here](#).

GENERAL CONSIDERATIONS FOR BUSINESSES

The ACCC's 2026–2027 Priorities reflect a continued focus on digital markets, consumer protection and supply chain conduct. Businesses operating online platforms, supplying consumer goods or participating in complex distribution networks should ensure that their compliance frameworks evolve in line with these enforcement trends—in particular, consider the below:

Contracts

- Consider and review their standard form contracts with consumers and small businesses for any unfair contract terms.
 - Do the contract(s) contain any harmful cancellation terms (particularly relating to automatic renewals, non-cancellation clauses or feed for early termination)?

Misleading Representations

- *Representations (General)*: Consider and review representations and statements made in sales and marketing for products or services.
 - Are these representations and statements accurate, balanced and able to be substantiated?

- Are there any grounds for these representations and statements to be considered misleading or deceptive?
- *Greenwashing*: Monitor and verify environmental and sustainability claims made regarding products or services that are supplied to consumers.
 - Can the environmental claim(s) made can be substantiated with robust evidence?
- *Digital Markets*: Consider the digital interface(s) and services that customers use to interact with the business, and ensure that:
 - Subscription terms and renewal periods are clearly disclosed;
 - Cancellation mechanisms are simple and accessible; and
 - Consumers are not steered towards particular choices through misleading interface designs.

Consumer Matters

- *Consumer Guarantees*: Consider and review the processes, instructions and policies for a consumer to enforce their rights.
 - Do consumers face an unfair burden or difficulty in exercising their legal rights or seeking legal remedies?
- *Pricing*: Consider pricing information in relation to products or services available to customers.
 - Is the pricing information accurate and meaningful to consumers?
 - Are pricing structures complex such that consumers face difficulty in comparing offers and exercising choice?
- *Product Safety*: Consider and review compliance of products or services with established mandatory safety standards.

If you require any assistance in relation to carrying out any of the above, please contact us and we can assist you further.

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