



Year in Review

2020-21

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About this report

This report was endorsed by the Consumer Senior Officials' Network (CSON) as the key forum for consumer affairs senior officials. In 2021, CSON replaced what was formerly known as Consumer Affairs Australia and New Zealand (CAANZ).

CSON supports Australia's ministers responsible for consumer policy and overseeing the Australian Consumer Law (ACL). The ACL is Schedule 2 to the Competition and Consumer Act 2011 (Cth) and is also adopted into each state and territory by their respective fair trading legislation. The Australian Securities and Investments Commission (ASIC) is responsible for administering similar provisions under the Australian Securities and Investments Commission Act 2001 (ASIC Act) relating to financial products and services. A reference to the ACL in this report includes a reference to the mirrored provisions in the ASIC Act.

Functions of CSON include providing policy advice to consumer ministers, undertaking research, sharing information on consumer issues, and consulting with stakeholders.

CSON collaborates with, and receives advice, information and other support from, four networks and one group:

- The Consumer Education Network (CEN), formerly known as the Education and Information Advisory Committee (EIAC), coordinates national consumer information and education campaigns and activities relating to the ACL and broader consumer issues to raise awareness around consumer rights, business obligations, and key or emerging consumer issues, including the implementation of any ACL reforms.
- The Consumer Policy Network (CPN), formerly known as the Policy and Research Advisory Committee (PRAC), focuses on developing common policy approaches to national consumer issues, particularly as they relate to the ACL, and on coordinating the development of any amendments to the ACL.
- The Regulatory Compliance Network (RCN), formerly known as the Compliance and Dispute Resolution Advisory Committee (CDRAC), coordinates national cooperation in conducting compliance, dispute resolution and enforcement activities relating to the ACL. The work of the former Fair Trading Operations Group (FTOG) is also now incorporated into the work of the RCN.
- The Consumer Product Safety Network (CPSN), formerly known as the Product Safety Operations Group (PSOG), collaborates on consumer product safety issues of national significance.

Governance architecture: overview



- The National Indigenous Consumer Strategy (NICS) is a specific operations group focused on improving outcomes for Aboriginal and Torres Strait Islander consumers through the development and implementation of national priorities, as outlined in its [action plan](#), as well as building awareness, knowledge and confidence for Indigenous people to exercise their consumer rights.

This report provides an overview of the key policy, education and enforcement activities undertaken by CAANZ (until 1 February 2021) and CSON (from 1 February 2021) and its committees in 2020-21. It provides an insight into the work completed by policy officers, educators and regulators to refine and enforce the ACL over the course of the year.

The activities described in each chapter involve a mix of developing policy, educating businesses and consumers about their rights and responsibilities, encouraging traders to comply with the ACL, and undertaking enforcement.

The final chapters comprise key compliance and enforcement statistics across all ACL jurisdictions for 2020-21, and include a list of key enforcement activities undertaken over the year by ACL regulators.



Key issues, changes and challenges of 2020-21

The COVID-19 pandemic has caused a major shift in many aspects of the economy, such as changing business and consumer behaviour, alongside other non-COVID-related changes. ACL regulators are adapting to the changing marketplace and are considering how to respond to new challenges that may arise.



Changing markets and regulatory landscape

ACL regulators need to be responsive to changes in the market to ensure consumers receive appropriate protection under the ACL – particularly as we transition to living with COVID-19. ACL regulators also need to ensure their approaches, and the ACL itself, keep pace with these changes.

With the COVID-19 pandemic causing considerable shifts in consumer and business behaviour, the Australian market experienced significant changes throughout 2020 and 2021.

Extended lockdowns and retail closures in Australia have caused a substantial increase in consumers shopping online for both necessities and discretionary purchases. Some businesses, however, have struggled to adapt to operating completely online.

Furthermore, this increase in online shopping has caused significant stress on postal and delivery services. COVID-19 restrictions on ports, shipping lines and airlines, as well as changes in demand, and even climate events, have all contributed to production and supply chain issues, with shortages in critical products and materials. Delays in the supply of goods have been common, and these effects still impact supply chains.

A key example is the motor vehicle industry, where consumers and businesses have been experiencing long delays in receiving new vehicles and parts, largely due to global shortages of microchips. This has led to increased demand in other markets, such as second-hand vehicles.

Many consumers have also moved to digital platforms for other services, such as telehealth appointments and fitness classes. The increase in Australians working from home has resulted in the greater use of video conferencing apps. These factors, combined with higher usage of media streaming platforms, have led to increased demand and pressure on broadband networks.

With COVID-19 restrictions in effect in many jurisdictions for significant periods across 2020-21, the types of products and services consumers have been purchasing have also shifted, as consumers spend more time at home. Consumers also spent more on groceries, liquor, cleaning products, health supplies, homewares, and items for home entertainment.

Similarly, consumers spent significantly less on travel and events, with closed borders and snap lockdowns affecting consumer confidence in making bookings.

However, as jurisdictions have eased localised restrictions, and with the Federal Government continuing to ease international travel restrictions, there has been a surge in travel bookings due to pent up demand. However, many domestic tourism businesses that generate most of their income from international tourists will likely continue to

struggle until international travel returns to pre-pandemic levels. The increased demand will likely also impact prices across the travel sector.

Consumers and businesses will also face challenges as they deal with the necessary changes that will continue to be incorporated into most day-to-day transactions as we learn to live with COVID-19.

As ACL regulators, we have been working with the federal, state and territory governments on our insights and learnings from the consumer issues that have arisen during COVID-19. This will then inform consideration of potential compliance and education projects, industry initiatives and policy reforms that may be beneficial for addressing such issues moving forward.

The legislative landscape has also changed over the past year to clarify and strengthen protections for consumers under the ACL, with further changes to come.

In December 2020, the ACL was amended to clarify that multiple non-major failures to comply with consumer guarantees can amount to a major failure.

Just after the end of the 2020-21 year, in July 2021, the financial threshold in the definition of 'consumer' within the ACL was also increased from \$40,000 to \$100,000.

To ensure that we can respond to any new emerging issues, ACL regulators will need to adapt to this shifting marketplace and regulatory landscape.

COVID-19 compliance and education activities

ACL regulators have conducted a range of compliance and education activities in response to issues arising from the COVID-19 pandemic and continue to monitor for, and consider approaches to, emerging issues.

With COVID-19 presenting new challenges for both consumers and businesses, ACL regulators have continued to receive many thousands of enquiries and complaints from those impacted. These enquiries have ranged across a variety of industries, including travel, events and ticketing, fitness and gyms, postal services, telecommunications, and consumer retail.

Due to the volume and breadth of the complaints received, ACL regulators, including the Australian Competition and Consumer Commission (ACCC), have focused initially on consumer and business education activities in addition to compliance on both individual and industry-wide levels.

Since the pandemic's beginning, ACL regulators and the ACCC have maintained guidance materials for consumers and businesses in relation to commonly asked questions.

ACL regulators have engaged extensively with industry representative groups and businesses to encourage compliance with the ACL and facilitate dispute resolution. This has included targeted interventions to ensure that businesses have not made false or misleading representations to consumers; identifying and resolving issues surrounding unfair contract terms; and assisting consumers in resolving remedy disputes with businesses.

As Australia continues to ease restrictions and reopen borders, the focus of education and compliance activities has shifted towards emerging and future-focused issues. To date, this work has included providing guidance to consumers about booking future travel.

Further work will also be needed to identify potential misconduct as industries recover from the impact of COVID-19. This will include identifying unfair contract terms across a range of affected industries, as well as misleading or deceptive advertising practices.

ACL regulators continue to monitor issues around the use of credit vouchers from previously cancelled services, including limitations consumers experience on attempting to use these credits. Some consumers and stakeholders have also expressed concerns about credit vouchers expiring before consumers have the opportunity to use them. However, to date, we have observed that the majority of businesses have introduced flexibility, whether it be by extending expiry dates (sometimes on multiple occasions), or allowing the use of credits for other products or services. We encourage businesses to continue this flexibility to help restore consumer confidence in markets.

As Australia continues to navigate from restrictions to living with COVID-19, ACL regulators will also continue to monitor a range of other issues, including the impact of ongoing supply chain issues on the supply of goods and the associated impacts on consumer guarantee rights.





Well-informed consumers

Each financial year, ACL regulators collaborate on topical consumer-related issues to educate consumers on their rights and responsibilities, as well as the risks associated with certain goods, services, and business practices. This section provides an overview of some key educational activities and campaigns during 2020–21.



Unit pricing

Unit pricing at grocery stores shows consumers not just the cost of a product, but also the value of that product as a cost per standard unit of measurement, helping consumers find the best value for money. This was the focus of the 2020 unit pricing campaign, which aimed to increase consumer awareness around the cost-saving benefits of unit pricing.

In June 2020, the Consumers' Federation of Australia (CFA) and the Queensland Consumers' Association (QCA) approached the ACCC and Queensland Office of Fair Trading (QOFT) respectively, requesting the agencies undertake a consumer education campaign on unit pricing. The CEN (in its previous capacity as EIAC) agreed to implement a national campaign.

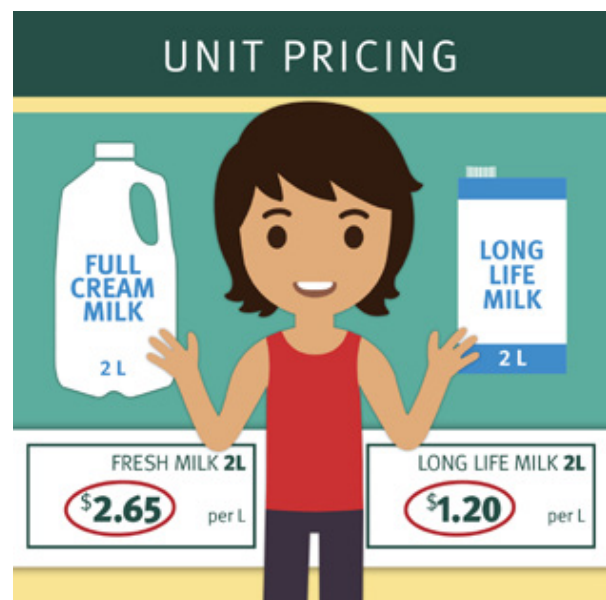
The campaign aimed to increase consumer awareness and understanding of the benefits of unit pricing.

Unit pricing at grocery stores shows consumers not just the cost of a product, but also the value of that product as a cost per standard unit of measurement. It helps consumers compare different sized products in one brand, or the same product across different brands, to find the best value for money.

The campaign was led by the QOFT, with working group members from the ACCC and Consumer Affairs Victoria, and was in market nationally for six weeks from 21 September to 30 October 2020.

Key messaging highlighted the way consumers could use unit pricing to make price comparisons to save money, and included messages on an introduction to unit pricing, pack sizes, fresh vs frozen, convenience, packaging, substitutes, online shopping, and specials. Consumers were encouraged to check and compare the unit price to save money.

Overall, this campaign performed very well in market, achieving a total reach of more than 870,000 people nationally – well in excess of the initial campaign goal of 205,000. The campaign reached audiences via media, social media, newsletters, factsheets (including [translated factsheets](#)), and stakeholder engagement. A campaign re-run is planned for 2022.





Access Canberra – choosing a tradie

This educational awareness campaign aimed to provide consumer advice around undertaking home improvement activities and hiring tradespeople.

COVID-19 has seen an increase in people looking to engage tradespeople for home improvements or repairs.

While the vast majority of tradespeople are honest and hardworking, Access Canberra undertook a proactive campaign to remind people of their consumer rights when hiring a tradie.

The 'Choosing a tradie' campaign aimed to encourage consumers to shop around for the tradesperson that met their needs. It also reinforced that no-one should feel pressured to sign contracts on the spot or after the first call.



Consumers, especially older people, can become overwhelmed when choosing a tradesperson to do maintenance around their home.

Key campaign messages, therefore, sought to empower people to be savvy consumers by following the 'RISKS' steps:

- Record contact details
- Investigate the business and ABN
- Source multiple quotes
- Know your rights
- Save payment until the work is complete.

As campaign messaging explained, under the ACL, all consumers are guaranteed services that are:

- delivered with acceptable care and skill or technical knowledge
- fit for the purpose or give the results that you and the business had agreed to
- delivered within a reasonable timeframe.

The campaign encouraged audiences to visit act.gov.au/choosingatradie for further advice, and to find out if a prospective tradesperson has a valid licence or has had compliance action taken against their business.



Portable pool safety

The Don't Duck Out, Make it SAFE (DDOMIS) campaign aimed to increase consumer and industry awareness around the importance of portable pool safety, including safeguards for preventing drowning when portable pools and spas are used.

Tragically, throughout Australia, drowning continues to be a leading cause of accidental death for children aged five years and younger.

In 2018-19, ACL regulators partnered with the Royal Life Saving Society – Australia to remind parents and carers to make portable pools safe. This then became an annual campaign.

The 2020-21 DDOMIS national campaign was timed to coincide with the start of peak portable pool buying season and warmer summer months.

Aiming to increase awareness among consumers and industry regarding the importance of portable pool safety, the campaign detailed the risks associated with portable pools and spas and the safeguards needed to prevent children from drowning when these products are in use.



The lead jurisdiction, Western Australia (WA), developed a campaign toolkit that included a shell media release, a shell stakeholder email send-out, a captioned video, and 12 weeks' worth of social media content with campaign graphics.

Additionally, WA spokespeople took part in radio interviews and supplied newspaper columns and website articles on the subject for publication, as well as conducting trader engagement activities with major portable pool retailers.

With the tagline 'DON'T duck out. Make it SAFE', the campaign included four key safety messages:

- Supervise – actively watch children
- Act – learn how to respond to an emergency, including how to administer CPR
- Fence – pools with water deeper than 30 cm
- Empty – portable pools and store them safely once finished for the day.

The campaign had an estimated audience reach of more than an overall 303,000 people, with nearly 44,000 reached through social media.

WA-led trader engagement also resulted in DDOMIS point-of-sale materials such as shelf wobblers, flyers, posters and stickers, being displayed with, or on, portable pools and associated products at Target, Kmart, Outback Stores and Big W stores nationally, as well as at Clark Rubber, Red Dot, Bunnings, and Toyworld stores in WA.



Debt collection during COVID-19

ACL regulators have taken action to improve debt collection practices and increase consumers' awareness of their rights and responsibilities when dealing with debt collectors.

As a result of the COVID-19 pandemic, ACL regulators have been closely monitoring the behaviour of debt collection businesses, given the significant disruption to consumers and businesses.

ACL regulators, including the ACCC and ASIC, enforce consumer protection laws regarding debt collection. ASIC and the ACCC have updated their joint debt collection publications for debtors, collectors and creditors.

The updated guideline includes case studies based on recent proceedings against Panthera Finance and ACM Group, and guidance for collectors dealing with debtors experiencing family violence.

In April 2021, the ACCC launched a debt collection consumer awareness campaign, promoting three key messages:

- know your legal rights when dealing with debt collectors
- you can dispute a debt if you don't believe you owe it
- free help is available.

The ACCC has engaged with several debt collection firms and creditors, including telecommunications businesses and energy retailers. In addition to improving compliance with the ACL and providing industry guidance, the ACCC also recommends that all debt collectors consider joining an external dispute resolution scheme, even when not required by law.



Online shopping and sales

With more consumers shopping online than ever before, the 2020-21 online shopping and sales campaign sought to drive awareness around consumer rights with online retail purchases over the summer sales and festive period.

Due to the COVID-19 pandemic, many businesses and retailers have been heavily relying on online transactions to stay afloat. Unfortunately, this has also seen a rise in consumer issues relating to contractual rights and consumer guarantees, as well as an increase in complaints related to consumers losing deposits and upfront payments when COVID-19 related issues arise.

According to the National Retail Association (NRA), the 2020-21 holiday period saw a substantial increase in online spending, with over \$5 billion spent on digital sales across the Christmas period.

To increase Australian consumers' awareness of their rights with retail purchases, the CEN (in its former capacity as EIAC, in this case) runs a cyclical online shopping and sales education campaign over the summer sales period.

Led by Victoria, key messaging for the 2020-21 campaign addressed issues around online shopping during COVID-19, travel-related transactions, and general online shopping safety tips.

In market from 1 December 2020 to 8 January 2021, the campaign was well-received by consumers. The campaign exceeded its objective of reaching 100,000 people via organic social media, achieving a reach of over 127,500 – 40 per cent more than the previous year's campaign. In particular, messaging around online Christmas shopping during COVID-19 and the importance of being aware of travel terms and conditions seemed to resonate strongly with audiences.

The campaign also surpassed its aim of reaching 100,000 consumers via media, with total media reach well above 140,800.



Safe and fit for purpose goods and services

To protect Australian consumers in 2020-21, ACL regulators inspected and monitored consumer products and implemented initiatives to improve product safety compliance and awareness, including a focus on infant and nursery products, online product safety, quad bikes, and button battery-powered products.



Monitoring the marketplace for unsafe products

ACL regulators continued to work collaboratively on product safety matters during 2020-21, including conducting product safety inspections, negotiating with suppliers, and reviewing and updating mandatory safety standards.

ACL regulators continued to work collaboratively on product safety issues over the 2020–21 period. State and territory ACL regulators conducted product safety inspections of 1,575 suppliers nationally, covering 24,902 product lines.

Inspections during 2020-21 were limited nationally due to COVID-19 restrictions. When products were identified as unsafe or non-compliant with mandatory standards or bans, ACL regulators ensured products were removed from sale, and also negotiated with suppliers to commence voluntary recalls and initiated enforcement action where required.

Under the ACL, the ACCC has primary responsibility for certain actions within the national product safety regime, including:

- receiving and actioning mandatory reports of death or serious injury from suppliers
- publishing consumer product recalls on the [Product Safety Australia](#) website and monitoring recall progress reports
- implementing and reviewing mandatory safety standards and bans.

In 2020-21, the ACCC received 2,891 mandatory reports of death or serious injury from suppliers. Of those, the ACCC:

- automatically referred 969 reports to food regulators
- assessed and actioned 1,856 reports
- referred 66 reports to other regulators following assessment.

During 2020-21, a total of 572 voluntary recall notifications were [published](#) for consumer products identified as posing a safety risk to consumers. Of those recalls, 215 were for road vehicles for which the Department of Infrastructure, Transport, Regional Development and Communications (the Department of Infrastructure) is responsible. From 1 July 2021, the Department of Infrastructure became responsible for receiving and [publishing](#) all road vehicle recall notifications. The ACCC monitored the performance of 1,078 recalls, of which 3,082 progress reports were assessed, 277 recall performance reviews were completed, and 16 investigations were initiated, of which 14 were completed.

The ACCC continued to review and update mandatory safety standards and bans to ensure they continue to be warranted and effective. This review resulted in the responsible Commonwealth minister making new or amended mandatory safety standards for:

- [toys containing magnets](#) (made August 2020) – the amended standard prescribes design, construction and performance requirements for toys containing magnets
- [cosmetics ingredients labelling](#) (made November 2020) – the amended standard prescribes additional labelling requirements for hand sanitisers, such as the amount of alcohol contained in the product
- [projectile toys](#) (made July 2021) – the amended standard prescribes design, construction and performance requirements for projectile toys. It has been amended to reference the updated voluntary Australian and ISO standards
- [self-balancing scooters](#) (made June 2021) – the amended standard prescribes design, construction and performance requirements for self-balancing scooters.



Strengthening product safety online

Continued growth in online shopping and the rise of eCommerce marketplaces saw the ACCC, together with state and territory ACL and international product safety regulators, implement initiatives to improve the safety of products bought and sold online.

The eCommerce industry experienced unprecedented growth in 2020-21, with a significant movement towards online shopping. In 2020, Australia's total eCommerce spending totalled \$50 billion, a 57 per cent increase from the previous year.¹

However, online shopping comes with risks. In Australia and internationally, products which fail to comply with local laws continue to be available online, and these non-compliant products may pose serious safety risks to consumers.

¹ [Australia Post eCommerce Industry Report, 2021](#)

In 2020-21, ACL regulators acted to increase consumer awareness of these risks and worked with businesses to curb the sale of unsafe products online.

In November 2020, the ACCC co-led (with Health Canada) the Organisation for Economic Cooperation and Development (OECD) global campaign on the safety of toys sold online.

In Australia, around one in 10 product safety recall notices relate to unsafe toys, posing risks to children ranging from injuries such as cuts, bruising, burns, choking and suffocation.

Product safety campaign messaging, which included checklists and shareable infographics, was designed to help consumers make informed choices when buying toys online and enhance business understanding of the importance of selling safe toys online.

Twenty-two jurisdictions worldwide joined the campaign, with safety messages shared by Australian state and territory ACL and international regulators, consumer organisations and businesses, including online marketplaces.

The ACCC continued working with online marketplaces to improve product safety online, culminating in the launch of a voluntary initiative, the [Australian Product Safety Pledge](#).

Four of Australia's largest online marketplaces – AliExpress, Amazon Australia, Catch.com.au and eBay – signed the pledge in November 2020, and were joined by MyDeal.com.au in April 2021.

In signing the pledge, these marketplaces confirmed their commitment to 12 product safety responsibilities beyond those required under the ACL, including taking steps to detect, prevent and remove third-party unsafe product listings.

Pledge signatories will report annually to the ACCC on their progress against commitments, with the first report to be published in late 2021.

To encourage and support the adoption of similar initiatives internationally, the ACCC compiled a regulator toolkit and contributed to the [OECD Communiqué](#) on product safety pledges, which was released in June 2021.

Finally, ACL regulators contributed to the development of the pledge and liaised on emerging online product safety issues through the Consumer Product Safety Officials Network Online Marketplace Compliance Community of Practice (OMCCoP) in 2020-21. OMCCoP also facilitated engagement between regulators and online businesses during this period.

Infant and nursery products checked for safety

In early 2021, NSW Fair Trading conducted an operation to promote product safety laws, with traders selling household and portable cots, prams, strollers, and baby walkers. When supplying infant and nursery products to consumers, traders must ensure they comply with relevant ACL mandatory safety standards to keep babies and small children safe.

New infant and nursery products regularly appear in the marketplace, and most suppliers ensure their products are safe to supply. From time to time, products do not meet safety standards, and safety issues relating to their design or use emerge after they are offered for sale.

Manufacturers, importers, suppliers, purchasers, and users of nursery furniture should be looking out for head and finger entrapment, as well as toxicity hazards that may be present in children's furniture.

During the operation, NSW Fair Trading engaged with a mix of smaller and larger well-known traders specialising in these products.

Overall, compliance was excellent. Only two traders were identified for not complying with the mandatory labelling requirements for household cots. NSW Fair Trading educated the traders about their safety obligations when supplying these products to consumers.

As a result, one trader altered its manufacturing process for cots being sold in Australia to comply with the ACL mandatory standard. This highlights the positive collaboration between industry and regulator with the outcome of achieving compliance with product safety laws.





Major step forward in quad bike safety

In 2020-21, the ACCC, in collaboration with state and territory ACL regulators, focused on informing quad bike suppliers and consumers about requirements under safety standards in support of quad bike safety.

The safety of new or imported second-hand quad bikes sold in Australia has been substantially improved as a result of increased safety features and improved design standards under the *Consumer Goods (Quad Bikes) Safety Standard 2019*.

Quad bike accidents are the leading cause of injury and death on Australian farms, with 24 quad bike fatalities in 2020 and a further seven fatalities in 2021 (as of 1 October 2021).

From 11 October 2021, new and second-hand imported general use quad bikes sold in Australia must meet the stage two requirements of the safety standard, which requires quad bikes to be fitted with operator protection devices and meet minimum stability requirements.

These requirements will provide the greatest safety benefit to consumers by reducing the likelihood of rollover (a leading contributor to quad bike accidents), and helping to protect riders from being crushed or pinned if a rollover does occur.

Throughout 2020-21, the ACCC, in partnership with state and territory ACL regulators, focused on informing quad bike suppliers and consumers about the requirements under the safety standard in support of quad bike safety.

The ACCC and state and territory ACL regulators co-ordinated national surveillance at quad bike dealerships to determine compliance with the stage one requirements of the safety standard which commenced in October 2020.

These requirements relate to all new and imported second-hand quad bikes sold in Australia, including general use, sports and kids' models. Quad bikes must meet certain requirements of international standards, be tested for lateral static stability, display the angle at which the quad bike tips onto two wheels on a hang tag, and be fixed with a rollover warning label. The owner's manual must also include rollover safety information. Additionally, quad bikes must be fitted with a spark arrestor that meets certain requirements.

During surveillance, 84 per cent of quad bikes assessed were compliant with the stage one requirements. The suppliers of quad bikes identified as non-compliant with the safety standard took steps to recall non-compliant quad bikes where necessary. For example, in March 2021, [Suzuki Australia Pty Ltd voluntarily recalled](#) 490 quad bikes that did not meet specified labelling or information requirements.

The ACCC announced plans with state and territory ACL regulators to increase nationally coordinated surveillance, to check compliance with the stage two requirements, and enforce the safety standard from October 2021 onwards.



Button batteries: tiny batteries, big danger

In a world-first, the Australian Government has introduced four mandatory standards for button batteries and products containing them to reduce the risk of death and injury to small children.

Many Australians are unaware that button batteries pose a severe injury risk for young children. If swallowed, they can become stuck in the oesophagus, where they can burn through tissue and cause catastrophic bleeding. Serious injury can occur in as little as two hours.

In Australia, three children have died from injuries sustained by swallowing a button battery. Between 2017 and 2020, there were at least 44 cases of young children suffering severe injuries following the ingestion or insertion of button batteries. This equates to more than one child a month suffering serious injuries from button batteries, with some resulting in lifelong injuries.

Button batteries are commonly found in remote controls, musical greeting cards, kitchen scales, calculators, car keys, and other items in and around the home.

After a two-year safety investigation, the ACCC recommended the minister for mandatory regulation of button batteries and products containing them.

The standards were introduced on 21 December 2020 and will come into effect on 22 June 2022 after an 18-month transition period. The transition period provides businesses with the opportunity to make any manufacturing and design changes and undertake any necessary testing to ensure their products comply with the standards. Suppliers are encouraged to comply with the new requirements as soon as possible.

The standards are designed to protect consumers by mandating how products containing button batteries and button battery packaging should be designed to reduce risk, as well as the warnings and safety information provided to them.

The standards require, among other things, that the battery compartment of consumer products containing button/coin batteries is secure and does not release the batteries during conditions of reasonably foreseeable use or misuse. Suppliers must ensure products are tested for compliance.

ACL regulators have been promoting the early implementation of the new standards by directly engaging with manufacturers and retailers of button battery products, encouraging them to conduct risk assessments, and, if necessary, conducting a voluntary recall to remove unsafe products from the market.

ACL regulators have also been raising awareness about the dangers of button batteries through education and awareness initiatives, including the 'Tiny batteries, BIG DANGER' campaign, first launched in October 2020.

To facilitate the implementation of the mandatory standards, the ACCC has developed guidance for suppliers and consumers, including:

- consumer and business information pages on the Product Safety Australia website
- a practical guide for suppliers
- a fact sheet summarising the four standards.



Taking action to prevent and address unfair and harmful practices

By prohibiting certain practices and regulating contracts in some circumstances, the ACL establishes norms of conduct that help to prevent the consumer harm caused by unfair practices.



Google misled consumers about collection and use of personal location data

In April 2021, the Federal Court found that Google LLC and Google Australia Pty Ltd (together, Google) misled consumers about personal location data collected through Android mobile devices between January 2017 and December 2018.

An important outcome from the ACCC's digital platforms work was the Federal Court's finding that Google misled consumers about personal location data collected through Android mobile devices between January 2017 and December 2018. This was a successful conclusion to the world-first enforcement action brought by the ACCC in October 2019.

The court ruled that when consumers created a new Google account during the initial set-up process of their Android device, Google misrepresented that the 'location history' setting was the only account setting that affected whether Google collected, kept or used personally identifiable data about their location.

In actual fact, the 'web & app activity' account setting also enabled Google to collect, store and use personally identifiable location data when it was turned on, and that setting was turned on by default.

The court also found that when consumers later accessed the 'location history' setting on their Android device to turn that setting off during the same period, they were also misled – Google did not inform them that by leaving the 'web & app activity' setting switched on, it would continue to collect, store and use their personally identifiable location data.

Similarly, between 9 March 2017 and 29 November 2018, when consumers later accessed the 'web & app activity' setting on their Android device, they were misled because Google did not inform them that the setting was relevant to the collection of personal location data.

The court dismissed the ACCC's allegations about certain statements Google made about how consumers could prevent Google from collecting and using their location data, and the purposes for which Google was using personal location data.

The ACCC is seeking declarations, pecuniary penalties, publications orders, and compliance orders, which will be determined at a later date.

This decision is an important reminder to companies that they must explain their settings clearly and transparently when collecting information about their customers.



Quantum Housing Group penalised for unconscionable conduct in investor dealings

The Full Federal Court upheld an appeal by the ACCC, declaring that Quantum Housing Group Pty Ltd engaged in unconscionable conduct in its dealings with investors regarding the National Rental Affordability Scheme (NRAS), in breach of the ACL.

In March 2021, the Full Federal Court upheld an appeal by the ACCC and declared that Quantum engaged in an unconscionable system of conduct in its dealings with investors relating to the NRAS.

In June 2020, the Federal Court imposed penalties against Quantum and its sole director after finding that Quantum made false or misleading representations relating to the NRAS. However, the trial judge concluded that Quantum had not engaged in unconscionable conduct.

The ACCC had alleged that Quantum made false or misleading representations and engaged in unconscionable systemic conduct by pressuring investors in the NRAS to terminate agreements with their existing property managers and engage a property manager approved by Quantum. Quantum failed to tell investors that it had commercial links with the property managers it recommended.

The ACCC appealed this decision to clarify whether special disadvantage was necessary to establish unconscionable conduct under the ACL. In upholding the ACCC's appeal, the Full Federal Court clarified that:

- it is not necessary to demonstrate exploitation of some disadvantage or vulnerability of the consumer or small businesses affected, although this may often be the case; and

- the correct approach to assessing statutory unconscionability is to focus on the conduct and assess whether it departs from the norms of acceptable commercial behaviour as to be unconscionable.

In an important clarification of the ACL's unconscionable conduct provision, the Full Federal Court upheld the appeal by the ACCC and declared that Quantum Housing engaged in an unconscionable system of conduct in its dealings with investors regarding the NRAS, in breach of the ACL.

The Federal Court had previously ordered Quantum to pay \$700,000 in penalties, and Quantum's sole director to pay a penalty of \$50,000 for being knowingly concerned in the false or misleading conduct. The ACCC did not appeal the penalty amounts.



Clarification made to the ACL for consumer guarantees

In December 2020, the *Treasury Laws Amendment (2020 Measures No. 6) Act 2020* was made. This included clarification to the ACL to ensure that multiple failures to comply with the consumer guarantees can, when taken together, constitute a major failure.

The amendments to sections 260 (goods) and 268 (services) of the ACL clarified the definitions of a major failure.

Following the amendment, a failure to comply with a relevant consumer guarantee would be a major failure if:

- it is one of a series of failures
- a reasonable consumer would not have acquired the good or service at the time of supply if they were aware of the nature and extent of those failures taken as a whole.

The ACL Review recommended this change in 2017 after it received submissions identifying inconsistent interpretation of the consumer guarantees provisions in tribunal decisions.

A major failure happens when a reasonable consumer would not have bought a good or service if they knew the problems they would experience.

When this occurs, consumers can require suppliers to provide a repair, replacement or refund.

The ACL Review found that consumers can get trapped in cycles of repair when they have a series of non-major problems with goods.

This amendment gives courts and tribunals a clearer direction that they should consider the totality of problems with a good or service faced by each consumer, as the law was always intended to do.

Courts and tribunals hearing disputes still need to consider all the factors and determine whether a reasonable consumer would have bought the good had they known about the faults at the time of purchase.

This additional clarity may help reduce the number of disputes between consumers and suppliers.

A practical example of multiple failures constituting a major failure includes a new caravan that experienced 19 faults and six returns to the supplier for rectification within a 12-month period, with time out of service of about two months.



Vic Solar fined for misleading door-to-door sales

In an important case under the ACL, a solar company which engaged in unconscionable conduct was fined \$3 million in the Federal Court, and its director was ordered to pay \$450,000 and banned from being a company director for five years.

Vic Solar Technologies Pty Ltd, a solar panel retailer, was fined \$3 million in the Federal Court. Vic Solar made misleading representations to consumers, failed to comply with legal protections for unsolicited consumer agreements, and engaged in unconscionable conduct, among other breaches of ACL.

Consumer Affairs Victoria took enforcement action against the company, which contravened the ACL in relation to 4,300 consumer contracts.

Vic Solar used marketing companies (known as lead generators) in an attempt to get around requirements within the ACL relating to unsolicited consumer contracts, such as door-to-door sales or telemarketing agreements. The lead generators knocked on home-owners' doors, advertised a false 'community bulk-buy of solar photovoltaic systems, and used the details of those who registered interest to engage in door-to-door sales.

As well as the financial penalty, Vic Solar's director, 31-year-old Sunny Srinivasan of Southbank, was banned from being a company director for five years.

This case has catalysed law reform in the Victorian residential solar sales market, triggering a crackdown on energy and door-to-door solar sales, including the introduction of the *Energy Legislation Amendment (Energy Fairness) Act 2021* (Vic), which has banned door-to-door selling and cold-calling by energy retailers.



NAB entities penalised for misleading superannuation members

In September 2020, the Federal Court of Australia ordered two entities in NAB's wealth management division to pay \$57.5 million in penalties for false and misleading representations to superannuation members about the charging of fees.

In September 2018, ASIC commenced Federal Court action against two entities in NAB's wealth management division, NULIS Nominees (Australia) Limited (NULIS) and MLC Nominees Pty Ltd (MLC Nominees), in relation to:

- fees charged by these entities to superannuation fund members for services which were not provided; and
- representations made about the charging of such fees.

In September 2020, the Court ordered NULIS and MLC Nominees to pay a total \$57.5 million penalty for false and misleading representations made to members about the entities' entitlement to charge plan service fees and members' obligations to pay the fees.

The entities admitted, and the Court declared, that:

- MLC Nominees had deducted over \$33.6 million in plan service fees from approximately 220,000 members of the MasterKey Business Super and MasterKey Personal Super superannuation funds when those members did not have a linked financial adviser; and
- MLC Nominees and NULIS had deducted approximately \$71.9 million in plan service fees from over 457,000 members of the MasterKey Personal Super superannuation fund when those members had a linked financial adviser, but the advisers were not required to provide services, and members did not receive services or any services they could not otherwise obtain for free, in breach of sections 12DA and 12DB of the *Australian Securities and Investments Commission Act 2001*, and sections 912A(1)(a) and 1041H of the *Corporations Act 2001*.



Allianz Australia Insurance and AWP Australia penalised for mis-sold travel insurance

Federal Court action commenced by ASIC in September 2020 resulted in Allianz Australia Insurance Limited and AWP Australia Pty Ltd being ordered to pay \$1.5 million in penalties for misconduct relating to travel insurance sales. \$10 million in compensation was also secured for purchasers of travel insurance.

In September 2020, ASIC commenced Federal Court proceedings against Allianz Australia Insurance Limited and a related party, AWP Australia Pty Ltd, for alleged misleading conduct, and breach of financial services licence obligations, in relation to travel insurance sold through three websites run by Expedia Inc.

In September 2021, the Federal Court ordered Allianz and AWP to pay penalties totalling \$1.5 million after finding that the entities had engaged in this misconduct, including by:

- allowing the sale of insurance to customers who were ineligible to make claims under the policies; and
- failing to correctly state how premiums were calculated,
- resulting in a breach of sections 12DA and 12DF of the *Australian Securities and Investments Commission Act 2001*, and sections 912A(1)(a) and 1041H of the *Corporations Act 2001*.

Separately, ASIC secured \$10 million in remediation from Allianz and AWP relating to misconduct involving the sale of travel insurance to around 31,500 consumers.

The travel insurance was distributed through Allianz and AWP's websites and those of their partners such as airlines, financial institutions, credit card issuers, travel agencies, and Expedia.

The remediation program related to misconduct which included:

- the sale of policies to consumers who were not eligible to make a claim;
- partially paid travel insurance claims; and
- the sale of policies on Expedia websites for higher premiums than those for the policies sold on a standalone basis.

As a result, Allianz and AWP have:

- refunded premiums, with interest, to consumers who had purchased travel insurance from Allianz's website or those of its partners;
- remediated travel insurance consumers whose claims were partially paid; and
- removed potentially misleading or deceptive statements from their websites and those of their partners.



Key to Australia and Graham Scarrott fined for misleading consumers about property investments

In May 2021, Graham Scarrott and Key to Australia Pty Ltd were fined \$250,000 and ordered to pay more than \$1.5 million in compensation to affected consumers in the Southport Magistrates Court, for breaches of the ACL.

Between 9 May 2018 and 12 June 2020, Mr Scarrott and Key to Australia marketed residential housing lots located in Pimpama Village, Queensland, as investment opportunities for people in New Zealand and Victoria.

These consumers were told that the lots had Gold Coast City Council (GCCC) approval to be subdivided into three, on which three separate townhouses could be built.

Consumers were also told that they would make between 150 and 300 per cent profit on their initial investment, and that they would be able to sell their newly zoned lots as three separate lots long before they would have to settle the full amount of their initial purchase.

The consumers were also guaranteed that they would receive their deposit back in full if the investment scheme did not proceed as promised.

Despite telling the consumers he had, or would shortly be receiving, council approval, at no time before or after he commenced marketing the lots did Mr Scarrott or his company have approval for them to be subdivided. When he finally sought approval to subdivide the lots, the request was rejected, on several occasions, by the GCCC.

Although the affected consumers who had invested in this scheme had been guaranteed a refund of their deposit if it fell through, Mr Scarrott and Key to Australia were unable to fulfill this promise.

Mr Scarrott and Key to Australia had used a total of \$1,712,244 of the consumers' deposits for their own personal use and for business expenses respectively – expenses that were not related to Pimpama Village.

Mr Scarrott and Key to Australia were jointly charged and ordered to pay \$1,573,601.98 in compensation to the 18 affected consumers, and were fined \$250,000. A conviction was not recorded.



Tour operator Top Deck enters into enforceable undertaking for ACL breaches

In early 2021, ACL regulators across the country began to receive complaints alleging Queensland-based Top Deck Tours Pty Ltd was not honouring the terms and conditions for credit vouchers it had provided COVID-19-impacted customers.

The QOFT commenced an investigation into these complaints, and found that between 17 November 2020 and 15 January 2021, Top Deck had emailed 450 of its existing customers who had been provided travel credits for cancelled bookings.

The email advised them they had a new 2021 Top Deck trip booked. The customers had no prior communication about this trip until they received an email containing the new trip departure date, the cost of the trip, and when the final payment was due.

Top Deck followed up the initial email with phone calls and additional emails. If consumers did not respond, an email was sent confirming the Top Deck booking had been made on their behalf.

The investigation found that Top Deck may have made false or misleading representations that its terms and conditions allowed it to book consumers into future travel arrangements without their authority. It also found that Top Deck may have made false or misleading representations to consumers that they had agreed to future travel bookings, when no such agreement had been obtained.

Top Deck acknowledged the QOFT's concerns and cooperated with the investigation. It contacted each affected customer to ensure they were aware of their rights, and entered into a court-enforceable undertaking with the QOFT.

Top Deck undertook to:

- review its future promotional activities, ensuring they are consistent with all contractual terms and conditions and compliant with the ACL
- provide legally reviewed staff training about its ACL obligations
- report on its promotional activities to the QOFT each year for two years, confirming that each promotion was reviewed and found to be compliant with both the ACL and the terms and conditions entered into with customers.

These join Top Deck's agreement with the QOFT in 2020 to provide refunds to consumers and amend its terms and conditions in line with ACL regulators' best practice guidance for the travel industry.



Australian 4WD Hire penalised for unconscionable conduct and misleading consumers about insurance

In April 2021, the Federal Court found that Smart Corporation Pty Ltd, previously trading as Australian 4WD Hire, engaged in unconscionable conduct, made false or misleading representations in relation to insurance cover, and included unfair contract terms in its vehicle rental contracts.

Four-wheel drive vehicle hire business, Smart Corporation Pty Ltd (in liquidation), previously trading as Australian 4WD Hire, was ordered to pay penalties of \$870,000 following court action by the ACCC.

The court also found that the business's former director and its fleet manager and director were knowingly concerned in the contravening conduct. The court made orders disqualifying them from managing a company for three years and ordered them to pay \$179,000 and \$174,000 in penalties respectively.

The court considered that the business acted unconscionably by intimidating consumers and threatening them with legal action and other adverse consequences to deter them from disputing claims of damage to the vehicles or raising any other legitimate issues.

The court considered that the threatened actions were out of proportion to any prejudice Australian 4WD Hire had suffered and that its conduct involved bad faith, deception, unfair pressure, and sharp practice.

Australian 4WD Hire also represented to consumers that its rental vehicles had the benefit of comprehensive off-road insurance, when, in fact, many of the vehicles did not have comprehensive insurance coverage. Australian 4WD Hire obscured that the hire contract gave the company the sole discretion to decide whether to submit an insurance claim or hold the customer liable for any damage.

The court also found that terms within Australian 4WD Hire's standard form contracts were unfair and therefore void because, among other things, they authorised the business to deduct the entire amount of a consumer's security bond for trivial breaches which could not have caused any loss or damage to the hired vehicle.



Actions addressing unfair practices targeting Aboriginal and Torres Strait Islander consumers

To advocate for and build awareness around Indigenous consumer rights, ACL regulators must take actions to protect Indigenous consumers from unscrupulous traders, and have a shared responsibility to improve outcomes and access to consumer protection services for Indigenous people.

This section outlines some key examples of the actions taken in response to conduct specifically impacting Indigenous consumers in 2020-21.



BURKE DEVELOPMENTAL ROAD



Normanton

560

CAUTION UNSEALED ROAD
IMPASSABLE WHEN WET

NEXT



560 km

Queensland Indigenous consumers compliance operation

Consumer regulators and advocates recognise that the laws which regulate traders and service providers need to be fair and responsive to the specific needs of Indigenous people. Within the broad purview of fair trading, one of the trading practices that disproportionately impact Indigenous consumers – and which has been identified as a priority area for consumer agencies – relates to the sale of second-hand motor vehicle goods and services.

Consumers who live in remote locations need reliable vehicles to safely travel long distances, and they can suffer disproportionately when purchased vehicles have issues.

As a result of feedback from consumer groups and stakeholders about the detriment suffered by Indigenous consumers through the sale and subsequent repairs of used motor vehicles, the QOFT scheduled an operation to target the issue in its 2020-21 [proactive compliance calendar](#).

The operation focused on visiting motor dealers and vehicle repairers, and providing information and advice about consumer laws, followed up five months later by unannounced compliance checks.

In total, 84 entities were spot-checked, with an overall final compliance rate of 66 per cent. As a result, two entities were provided further education, 10 were issued formal warnings, and six penalty infringement notices were issued.

As a result of these outcomes, future compliance operations have been identified, and the QOFT and stakeholders continue to work collaboratively on consumer issues and to identify ways trader-specific information can be provided to the QOFT.



Telstra penalised \$50 million for unconscionable sales to Indigenous consumers

In May 2021, the Federal Court ordered Telstra to pay \$50 million in penalties for engaging in unconscionable conduct when it sold mobile contracts to more than 100 Indigenous consumers across three states and territories.

On 13 May 2021, the Federal Court ordered Telstra to pay \$50 million in penalties (which, at the time, was the second highest penalty ever imposed under the ACL), following proceedings brought by the ACCC.

Telstra admitted it acted unconscionably when sales staff at five licensed Telstra-branded stores used unfair practices to sign up 108 Indigenous consumers to multiple post-paid mobile contracts which they did not understand and could not afford.

The improper sales practices included manipulating credit assessments and misrepresenting products as free, thereby exploiting the social, cultural, linguistic and literacy positions of the impacted Indigenous customers.

The conduct occurred at Telstra licensed stores in Alice Springs, Casuarina and Palmerston (NT), Arndale (SA), and Broome (WA). Consumers from remote Indigenous communities located near these stores were affected by the conduct, including the regions surrounding Darwin, the islands off the Northern Territory, the Kimberley region, and the Anangu Pitjantjatjara Yankunytjatjara Lands in central Australia.

The conduct caused many of the affected consumers severe personal financial hardship and great distress, including where some unpaid debts were referred to debt collectors.

The average debt per consumer was more than \$7,400. Telstra subsequently took steps to waive the debts after the ACCC brought proceedings.

Telstra agreed to the filing of consent orders and joint submissions, and, at the hearing on liability and penalty held on 31 March 2021, it offered an apology “for the serious contraventions and the impacts it had on Indigenous consumers and affected communities”.

In addition to the remedies ordered by the court, the ACCC accepted a court-enforceable undertaking from Telstra. Telstra undertook to provide remediation to affected consumers, to improve its existing compliance program, to review and expand its Indigenous telephone hotline, and to enhance its digital literacy program for consumers in certain remote areas.

Key compliance and enforcement statistics

During 2020-21, ACL-related compliance and enforcement actions² by ACL regulators nationally included:

142

infringement notices
\$1,388,462 value

26

enforceable
undertakings

32

public warnings

94

court cases

² Actions taken under the ACL, or under the ACL with other legislation.

\$20,239+
court actions costs³

\$14,740,739
compensation awarded⁴

\$873,000
community benefit
payments⁵

\$150,940,000
civil pecuniary penalty orders

³ With respect to the ACCC's portion of this figure, it only includes costs amounts where it has been awarded by the court and publicly reported by the ACCC in its media releases. There are instances where costs have been awarded but not reported in the ACCC's media releases. As a result, the total value of costs is likely to be high than the figure presented.

⁴ As a result of court actions, enforceable undertakings and other ACL related negotiations. With respect to the ACCC's portion of this figure, it only includes compensation amounts where the total value has been calculated and publicly reported by the ACCC. Many of the ACCC's court outcomes and court enforceable undertakings include an element of consumer redress; however, the total amount of compensation payable is often unclear at the time the outcomes are publicly announced. As a result, the amount of compensation awarded in any relevant year is likely to be higher the figure presented.

⁵ Where an entity has agreed to make a community benefit payment to address misconduct. This is sometimes used where remediation to affected consumers would be difficult to calculate, or might be difficult to pay as small amounts to a higher number of consumers, but to ameliorate that misconduct (first reported for the 2017-18 period).

The key statistics dating back to 2016-17 are:

Year/Actions	2016-17	2017-18	2018-19	2019-20	2020-21
Infringement notices	\$289,965	\$825,200	\$419,640	\$930,140	\$1,388,462
Court action fines	\$1,260,409	\$49,847,560	\$44,106,100	\$197,347,660	\$113,797,745
Court action costs ⁶	\$686,717	\$729,723	\$2,746,404	\$212,672	\$20,239 plus
Compensation awarded ⁷	\$473,501	\$282,362,706	\$31,113,169	\$78,632,520	\$14,740,739
Civil pecuniary penalty orders	\$17,477,400	\$36,232,500	\$16,716,200	\$7,741,000	\$150,940,000
Community benefit payments ⁸	-	\$47,575,000	\$2,500,000	\$10,000	\$873,000

⁶ See footnote 3.

⁷ See footnote 4.

⁸ See footnote 5.

Key enforcement activities

ACL regulators are responsible for ensuring a safe and fair marketplace – they have a broad remit and rely on industry-specific legislation to complement the enforcement of the ACL. Enforcement activity is considered on a case-by-case basis with respect to whether the offence is best actioned under industry-specific legislation or the ACL. Information about additional enforcement activities that do not fall under the ACL is available in regulators' annual reports (see other performance metrics).

The enforcement activities highlighted in this section relate exclusively to outcomes achieved in 2020-21 under the ACL. This does not reflect the duration of this enforcement activity, which may have commenced in prior years, but reached resolution in 2020-21. Note also that the outcomes presented in the tables are a selection based on those previously published by ACL regulators.

Infringement notices

The tables below detail a selection of ACL-related infringement notices issued by regulators during 2020-21, noting that several jurisdictions are prevented by law from publishing the recipients of infringement notices (so infringement notices in these tables may be under-reported) and that payment of an infringement notice is not an admission of guilt.

The first table lists those infringement notices where the recipients can be publicly identified by ACL regulators.

Date	Detail
3 July 2020	<p>Oxcel Group Pty Ltd t/as Darwin Auto Motors – \$1,924</p> <p>Alleged false or misleading representations in advertising.</p>
3 July 2020	<p>Steinhoff Asia Pacific Pty Ltd t/as Freedom Furniture – \$25,200</p> <p>Alleged false or misleading representations to customers about their consumer guarantee rights.</p>
2 September 2020	<p>Samuel Goodwin – \$2,520</p> <p>Alleged misrepresentation of the quality, characteristics of good goods – namely, air conditioning units.</p>
30 September 2020	<p>Flight Plan Digital Pty Ltd t/as Live Life – \$25,200</p> <p>Alleged false or misleading representations made on its website in relation to a testimonial and its '14-day money-back guarantee'.</p>
2 October 2020	<p>Amaysim Australia Ltd – \$126,000</p> <p>Alleged false or misleading representations about mobile phone plans, misrepresenting that its mobile phone plans were 'unlimited' when in fact the plans had a maximum data allowance.</p>
14 October 2020	<p>Lycamobile Pty Ltd – \$12,600</p> <p>Alleged false or misleading representations about its mobile phone plans, misrepresenting that its mobile phone plans were 'unlimited' when in fact the plans had a maximum data allowance.</p>
26 October 2020	<p>EZ Smile Pty Ltd – \$12,600</p> <p>Alleged false or misleading representation made on EZ Smile's website in relation to the involvement of Australian orthodontists in its teeth straightening services.</p>

Date	Detail
25 November 2020	<p>Westpoint Autos Qld Pty Ltd – \$13,320</p> <p>Alleged misrepresentation about the exclusion of a warranty on a motor vehicle.</p>
2 December 2020	<p>One Source Energy Pty Ltd –\$12,600</p> <p>Alleged misrepresentation of an affiliation with Clean Energy Council</p>
15 December 2020	<p>Andrew Jablanski – \$2,664</p> <p>Allegedly accepting payment for goods and services and failing to supply in relation to retaining wall construction.</p>
21 December 2020	<p>Origin Energy Pty Ltd – \$126,000</p> <p>Alleged false or misleading representation about the reasons for a price increase in a letter sent to residential electricity customers in Victoria.</p>
15 March 2021	<p>Coventry Funeral Homes t/as Fitzgerald’s Funerals – \$12,600</p> <p>Alleged false or misleading representation about the business’s ownership.</p>
15 March 2021	<p>WT Howard Funeral Services – \$12,600</p> <p>Alleged false or misleading representation about the business’s ownership.</p>
7 May 2021	<p>Hayden Rodger Esler - \$2520</p> <p>Alleged misrepresentation of goods’ quality and characteristics – namely, a motor vehicle.</p>
7 May 2021	<p>Hayden Rodger Esler - \$2520</p> <p>Alleged misrepresentation of goods’ quality and characteristics – namely, a motor vehicle.</p>
24 May 2021	<p>Coles Supermarkets Ltd – \$13,320</p> <p>Alleged misrepresentation of the country of origin of the ingredients in home brand tomato sauce.</p>
26 May 2021	<p>Mosaic Brands Limited – \$630,000</p> <p>Alleged false or misleading representations relating to hand sanitiser and face masks advertised on Mosaic Brands’ websites and via direct marketing.</p>

Date	Detail
11 June 2021	Digital Imaging Express Pty Ltd t/as digiDirect – \$39,240 Alleged false or misleading representations to consumers that advertised discounts were available storewide when this was not the case.
21 June 2021	Grape Co Australia Pty Ltd – \$13,320 Alleged false and misleading representations on the Grape Co website in relation to the origin of the grapes sold.
4 February 2021	Ausfront Pty Ltd – \$6600 Alleged failure to comply with requirements for all unsolicited consumer agreements (body corporate).
25 May 2021	Richtek Electrical Pty Ltd – \$6600 Alleged failure to comply with requirements for all unsolicited consumer agreements (body corporate).
17 June 2021	Easycare Services Pty Ltd – \$6600 Alleged failure to comply with requirements for all unsolicited consumer agreements (body corporate).

The second table summarises the conduct covered by infringement notices where the recipients cannot be publicly identified by ACL regulators (noting that some infringement notices may not be reportable in this table either).

Conduct	Total infringement notice values
False or misleading representations/conduct	\$77,500
Wrongly accepting payment	\$67,500
Unsolicited consumer agreements	\$92,400
Product safety	\$35,250

Enforceable undertakings

The table below details a selection of ACL-related court-enforceable undertakings during the 2020-21 period.

Date	Detail
6 July 2020	Gardner Cars Pty Ltd Failed to adhere to the Compulsory Takata Airbag Recall Notice.
6 July 2020	Gardner, David John – Director of Gardner Cars Pty Ltd
9 July 2020	Hamanshu Bist, director of Get Gizmo Pty Ltd Commitment to refund approximately 4,000 customers who were charged for unsolicited purchases before the 10-day cooling-off period ended, and to ensure that Get Gizmo does not engage in any further unsolicited sales for its products. Mr Bist has also undertaken not to be involved in any business that offers, negotiates or enters into an unsolicited consumer agreement for a period of five years.
16 July 2020	Medibank Private Limited t/as ahm Health Insurance Commitment to contact policy holders who have not already taken up Medibank’s offer for compensation and provide them with a further chance to claim, pay these members an additional \$400 as a one-off payment, review its compliance procedures, and amend its incident management procedures.
17 July 2020	Chrisco Hampers Australia Limited Acknowledgement that a term in its lay-by agreements for Christmas hampers and other items, known as a ‘HeadStart Plan’, may be an unfair contract term, and admission that it likely made false or misleading representations to consumers in its promotions about the plan. Commitment to increase the transparency of the plan term by requiring consumers to opt in to a plan and to confirm their participation from year to year, to update its terms and conditions to ensure that the effect and operation of the plan is clearly and prominently explained to consumers, including clarifying refund rights in relation to any orders Chrisco placed on behalf of a customer under a plan, and to implement a comprehensive consumer compliance program for three years.
20 July 2020	Nexbridge Pty Ltd Failed to adhere to the Compulsory Takata Airbag Recall Notice.
20 July 2020	James Anthony Roche – Director of Nexbridge Pty Ltd
20 July 2020	Ivona Yadwiga Roche – Director of Nexbridge Pty Ltd

Date	Detail
24 July 2020	<p data-bbox="512 219 948 253">City Motor Auction Group Pty Ltd</p> <p data-bbox="512 300 1342 333">Failed to adhere to the Compulsory Takata Airbag Recall Notice.</p> <p data-bbox="512 380 1326 448">Falsely representing the safety characteristic of the vehicles to consumers.</p>
24 July 2020	<p data-bbox="512 477 1390 544">Simon Paul Stubberfield – Director of City Motor Auction Group Pty Ltd</p>
24 July 2020	<p data-bbox="512 573 986 607">Neil Budini Motor Wholesale Pty Ltd</p> <p data-bbox="512 654 1342 687">Failed to adhere to the Compulsory Takata Airbag Recall Notice.</p>
24 July 2020	<p data-bbox="512 712 1430 745">Neil Martin Budini – Director of Neil Bundini Motor Wholesales Pty Ltd</p>
30 July 2020	<p data-bbox="512 781 759 815">Garry Craig Rogers</p> <p data-bbox="512 862 1358 1037">Committed to various undertakings to the Commissioner for the purposes of s 218 of the ACL, including: to cease advertising any vehicles subject to the compulsory recall; not to supply vehicles subject to the compulsory recall; and to implement a safety compliance program.</p>
10 August 2020	<p data-bbox="512 1059 820 1093">ZS Motor Group Pty Ltd</p> <p data-bbox="512 1140 1337 1173">Failed to adhere to the Compulsory Takata Airbag Recall Notice</p>
10 August 2020	<p data-bbox="512 1198 1185 1232">Haifeng Wang – Director of ZS Motor Group Pty Ltd</p>
10 August 2020	<p data-bbox="512 1267 1185 1301">Guang Yu Zou – Director of ZS Motor Group Pty Ltd</p>
10 August 2020	<p data-bbox="512 1337 962 1370">Regional Express Holdings Pty Ltd</p> <p data-bbox="512 1417 1350 1518">False or misleading representation concerning the existence, exclusion or effect of any condition, warranty, guarantee, right or remedy.</p> <p data-bbox="512 1565 1337 1666">Representations that limit or exclude remedies available under the ACL – for instance, statements that certain tickets are ‘non-refundable’.</p>
18 August 2020	<p data-bbox="512 1693 675 1727">Arteen Raad</p> <p data-bbox="512 1774 1342 1807">Failed to adhere to the Compulsory Takata Airbag Recall Notice.</p>
10 September 2020	<p data-bbox="512 1832 943 1865">Brilliant Diamond Trading Pty Ltd</p> <p data-bbox="512 1912 1342 1946">Failed to adhere to the Compulsory Takata airbag Recall Notice.</p>

Date	Detail
10 September 2020	Esmaeil Ahnadinia – Director of Brilliant Diamond Trading Pty Ltd
10 September 2020	Seyed Javad Mirazimiabarghovei – Director of Brilliant Diamond Trading Pty Ltd
18 September 2020	<p data-bbox="507 383 1002 416">Back in Motion Physiotherapy Pty Ltd</p> <p data-bbox="507 465 1390 741">Commitment to removing certain terms from its franchisees' agreements which it admits might be unfair, including a restraint of trade clause and a clause under which it could charge franchisees a 'buy out fee' equal to four times their annual royalty fees if the franchisee opted to be released from the unfair restraint of trade clause. Back in Motion Physiotherapy also committed to informing all affected franchisees, including those who left within the past 12 months, that these terms will not be enforced.</p>
29 September 2020	<p data-bbox="507 770 831 804">MCT Motorsport Pty Ltd</p> <p data-bbox="507 853 1342 887">Failed to adhere to the Compulsory Takata Airbag Recall Notice</p>
29 September 2020	Matt Wright – Director of MCT Motorsport Pty Ltd
2 October 2020	<p data-bbox="507 981 842 1014">Cayman Holdings Pty Ltd</p> <p data-bbox="507 1064 1342 1097">Failed to adhere to the Compulsory Takata Airbag Recall Notice</p>
2 October 2020	Andrew Brendon Hartl – Director of Cayman Holdings Pty Ltd
14 October 2020	<p data-bbox="507 1191 1406 1283">Ingram, Scott Andrew Ingram, MV Transporters Pty Ltd and VTRANS Pty Ltd – Payment of a penalty of \$5,000 and \$6,316 reimbursed to consumers</p> <p data-bbox="507 1332 1414 1433">Scott Ingram, director of MV Transporters Pty Ltd and Vtrans Pty Ltd, was the subject of an investigation by the QOFT after issues were identified around unreasonable delays in the delivery of vehicles.</p>
27 October 2020	<p data-bbox="507 1467 1002 1500">Carlin Auction Services (QLD) Pty Ltd</p> <p data-bbox="507 1550 1347 1583">Failed to adhere to the Compulsory Takata Airbag Recall Notice.</p>
27 October 2020	Robert Charles Carlin – Director of Carlin Auctions (QLD) Pty Ltd
27 October 2020	Sophie Alexandra Moore – Director of Carlin Auctions (QLD) Pty Ltd
27 October 2020	Martin Andrew Ward – Director of Carlin Auctions (QLD) Pty Ltd
27 October 2020	Gerald John Georgeos – Director of Carlin Auctions (QLD) Pty Ltd
27 October 2020	Keith Thomas Thornton – Director of Carlin Auctions (QLD) Pty Ltd

Date	Detail
4 November 2020	<p data-bbox="512 219 887 253">Pickles Auctions Pty Limited</p> <p data-bbox="512 300 1329 367">Falsely representing the safety characteristic of the vehicles to consumers.</p>
4 November 2020	<p data-bbox="512 398 815 432">Kouzoukas Pty Limited</p> <p data-bbox="512 479 1345 512">Failed to adhere to the Compulsory Takata Airbag Recall Notice.</p>
4 November 2020	<p data-bbox="512 535 1243 568">Constantine Kouzoukas— Director of Kouzoukas Pty Ltd</p>
4 November 2020	<p data-bbox="512 602 1121 636">Tyco Australia Group Pty Ltd t/as ADT Security</p> <p data-bbox="512 683 1430 929">Commitment to refund consumers who were wrongly invoiced, amend its processes to ensure customers are given information about exit fees and decommissioning costs before entering into agreements, and to remove or amend clauses in its contracts that it acknowledged were unfair contract terms. ADT Security also acknowledged that it likely made false or misleading representations by continuing to invoice consumers who had terminated their agreements.</p>
25 November 2020	<p data-bbox="512 954 815 987">Telstra Corporation Ltd</p> <p data-bbox="512 1034 1410 1169">Commitment to provide remediation to affected consumers, improve its existing compliance program, review and expand its Indigenous telephone hotline, and enhance its digital literacy program for consumers in certain remote areas.</p>
2 December 2020	<p data-bbox="512 1200 1078 1234">Toyota Motor Corporation Australia Limited</p> <p data-bbox="512 1281 1426 1482">Commitment to take a number of steps to review and improve its compliance processes in relation to ACL consumer guarantees, to inform consumers purchasing a new Toyota vehicle of their consumer guarantee rights, and to update its existing vehicle identification lookup service to allow consumers to access details of repairs or updates carried out by Toyota dealers relevant to their vehicle.</p>
2 December 2020	<p data-bbox="512 1514 735 1547">Lifestyle Mobility</p> <p data-bbox="512 1594 1426 1762">Commitment to remove the clause of concern from the terms and conditions, ensure prescribed text is included in the terms and conditions, and ensure that any terms and conditions of its standard form contracts will not mislead consumers as to their rights under the ACL.</p>

Date	Detail
18 December 2020	<p data-bbox="512 219 751 253">1st Energy Pty Ltd</p> <p data-bbox="512 304 1430 577">Acknowledgement that representations made to consumers in Tasmania during unsolicited telemarketing calls included representations that were likely to be false or misleading, and a commitment to contact its affected customers by 1 February 2021 and help them exit their contracts, if they wish, without charge. 1st Energy also committed to updating its compliance program, staff training, and complaints handling system to prevent similar conduct in the future.</p>
19 January 2021	<p data-bbox="512 607 946 640">Kaleidoscope Australasia Pty Ltd</p> <p data-bbox="512 689 1394 757">Supply goods (toys for children up to and including 36 months) that fail to comply with mandatory safety standard.</p>
26 May 2021	<p data-bbox="512 781 815 815">Mosaic Brands Limited</p> <p data-bbox="512 864 1342 999">Commitment to refund customers under a redress program, implement a three-year compliance program, and properly substantiate its claims with respect to hand sanitisers and face masks, including by independent product testing.</p>
24 June 2021	<p data-bbox="512 1025 815 1059">Top Deck Tours Pty Ltd</p> <p data-bbox="512 1108 1417 1317">Top Deck may have made false or misleading representations that its terms and conditions allowed it to book consumers into future travel arrangements without their authority. The investigation also found that Top Deck may have made false or misleading representations to consumers that they had agreed to future travel bookings, when no such agreement had been obtained.</p>

Public warnings (including safety warnings)

The table below details a selection of ACL-related public warnings issued during 2020-21, noting they are not always issued under sections 129(1) and 223 of the ACL where regulators have similar provisions in their local legislation.

Date	Detail
27 July 2020	<p data-bbox="512 573 1222 607">Neil Michael Cole t/as The Wandering Chimney Sweep</p> <p data-bbox="512 656 1366 757">Warning consumers of a fireplace cleaner who accepted deposits from consumers, as well as one full payment totalling \$4,500, but failing to provide services or provide a refund.</p>
27 July 2020	<p data-bbox="512 784 783 817">Designworks Pty Ltd</p> <p data-bbox="512 866 1430 1111">The assistant treasurer, Michael Sukkar, issued a safety warning notice, warning consumers about the serious risk of injury or death involved in the use of the children’s nightwear item, ‘Monster High Ghouls nightie’. This item style number 121208 (Nightie) is a children’s nightwear garment which does not comply with the applicable consumer product safety standard for children’s nightwear as it is highly flammable and burns too quickly when exposed to flame.</p>
10 August 2020	<p data-bbox="512 1133 1091 1167">Armand Javellana t/as Aussie Sheds Albany</p> <p data-bbox="512 1216 1422 1317">Warning consumers about an Albany shed seller who appears to have accepted at least \$226,000 in deposits and full payments, but has failed to commence or complete installations.</p>
13 August 2020	<p data-bbox="512 1344 1203 1377">Nicholas Kay t/as Better Priced Patios (unregistered)</p> <p data-bbox="512 1426 1426 1527">Warning consumers about a patio installer who appears to have accepted at least \$18,120 in deposits and full payments but has failed to commence or complete installations.</p>
2 October 2020	<p data-bbox="512 1554 624 1588">Viagogo</p> <p data-bbox="512 1637 1406 1776">Ticket reseller, Viagogo AG, has been ordered by the Federal Court to pay a penalty of \$7 million for breaching the ACL by making false or misleading representations when reselling tickets for live music and sports events in proceedings brought by the ACCC.</p> <p data-bbox="512 1825 1426 1926">Consumers have raised concerns that tickets they have purchased are provided with incorrect names, are fake, or not provided at all. Claims of hidden fees and charges are also common.</p>

Date	Detail
30 October 2020	<p data-bbox="512 219 1406 293">Matthew Geoffrey Rixon (also known to operate under other aliases, including Matthew Douglas and Matt Douglas)</p> <p data-bbox="512 338 1398 618">The QOFT and Queensland Police Service are warning consumers not to deal with the trader and his fencing businesses. Mr Rixon has been known to take money from consumers without completing the fencing, and other residential building works. Consumers thinking about having any construction or fencing work done are strongly advised to check with the Queensland Building and Construction Commission to see whether the trader they are thinking of hiring needs to be licensed.</p>
4 December 2020	<p data-bbox="512 640 810 674">David Michael Scofield</p> <p data-bbox="512 719 1358 864">Warning consumers about an asbestos and demolition operator who is misleading the community by falsely claiming to hold valid WorkSafe licences which have expired or were once held by companies that have since been liquidated.</p>
4 December 2020	<p data-bbox="512 887 1222 920">Dismissals Direct Pty Ltd t/as Unfair Dismissals Direct</p> <p data-bbox="512 965 1414 1245">The ACCC has reasonable grounds to suspect that Unfair Dismissals Direct may have engaged in misleading and deceptive conduct, and made false or misleading representations by telling consumers it represented in unfair dismissal claims before the Fair Work Commission that it would receive settlement monies on their behalf, deduct its professional fee and transfer the remaining balance to the client when, in some instances, Unfair Dismissals Direct kept the remaining balance.</p>
18 December 2020	<p data-bbox="512 1267 1406 1341">Ajanvi Pty Ltd t/as My Movers, Saka Qld Pty Ltd t/as My Movers Qld, and three associated websites</p> <p data-bbox="512 1386 1430 1704">The QOFT has issued a public warning to consumers to avoid using a Melbourne-based furniture removalist who operates nationally. The warning relates only to these specific business entities, and not to any other business with a similar sounding name. Complaints received against My Movers and My Moovers Qld relate to removalists arriving late or not arriving at all, damage to goods, untrained or inept contractors, the use of inadequately sized vehicles, demand for additional payment before the completion of the job, failing to complete the job, and overcharging.</p>
18 December 2020	<p data-bbox="512 1727 919 1760">Ajanvi Pty Ltd t/as My Moovers</p> <p data-bbox="512 1805 1398 1984">Warning by Consumer Protection Western Australia to consumers about a removalist company whose conduct includes late or no arrivals, damage to goods, untrained or inept contractors, the use of poorly equipped and inadequately-sized vehicles, and demanding payment before completion of services.</p>

Date	Detail
23 December 2020	<p data-bbox="512 219 1214 253">Trevor James Potter t/as Bluesky Worx (unregistered)</p> <p data-bbox="512 300 1394 367">Warning consumers about a tradesperson who has taken payments for fencing and paving services, but failed to carry out the work.</p>
19 January 2021	<p data-bbox="512 394 927 427">Ajanvi Pty Ltd, t/as My Moovers</p> <p data-bbox="512 474 1394 609">Consumer Affairs Victoria issued a public warning notice about this removalist company due to a disproportionately high number of contacts about My Moovers to Consumer Affairs Victoria, and the high level of consumer detriment evident in these contacts.</p>
29 January 2021	<p data-bbox="512 640 738 674">Michael Johnson</p> <p data-bbox="512 721 1417 855">Consumer Affairs Victoria issued a public warning notice about this unregistered builder advertising cheap building services following complaints alleging he took payment for work he did not do at all, left incomplete, or completed below standard.</p>
4 February 2021	<p data-bbox="512 887 687 920">Chemist Max</p> <p data-bbox="512 967 1417 1214">NSW Fair Trading Commissioner, Rose Webb, has warned consumers not to deal with discountpharmacy.com.au, a website registered to and managed by Mr David Le, trading as Chemist Max. The website promotes the sale and supply of various health and wellbeing products, supplements, cosmetics, and pain relief medications. Ms Webb said the warning comes following a rise in complaints from consumers about not receiving goods paid for.</p>
29 April 2021	<p data-bbox="512 1234 1382 1301">Gifting Circles - The Commitment Circle / Foundation Gifting / 63K Masterminds</p> <p data-bbox="512 1348 1417 1460">Warning consumers that they could be breaking the law and could face prosecution following reports of another illegal pyramid scheme being promoted in Australia and New Zealand.</p>
29 April 2021	<p data-bbox="512 1480 767 1514">Postage Ink Pty Ltd</p> <p data-bbox="512 1561 1417 1874">The ACCC has reasonable grounds to suspect that Postage Ink's conduct in engaging in the supply of unsolicited goods by sending postage meter ink cartridges to businesses which had not ordered them, and subsequently seeking payment for the ink cartridges and other consumables for their postage meter, may breach the ACL. The ACCC also has reasonable grounds to suspect that representatives of Postage Ink contacted various businesses and falsely represented that it had an ongoing supply relationship with them, leading their staff to place orders with Postage Ink.</p>

Date	Detail
25 June 2021	<p>Imity Pty Ltd t/as A 'N' K Budget Bins</p> <p>Warning consumers about a skip bin supplier that fails to pick up the bins within the promised timeframe, and, in one case, has failed to deliver after accepting payment.</p>
1 September 2020	<p>Mr Jayden Thomas Stockbridge t/as Territory Erections (unregistered) and formerly t/as All Angles Landscaping and Above All Landscapes and Garden Maintenance</p> <p>Warning consumers to beware of Jayden Thomas Stockbridge, who had accepted money from customers but failed to supply or complete the work, sub-standard work, and failed to refund consumers.</p>

Court outcomes

The table below details a selection of ACL-related court outcomes during 2020-21, noting some matters may continue past 30 June 2021 for penalties, relief, sentencing, and appeals. Note also that the composition of the reported amounts may differ from case to case (for example, some are inclusive of compensation and court costs in addition to a primary fine). More information is available in ACL regulators' reports and media releases.

Date	Detail
3 July 2020	<p>Peter Todd Hynes – Intensive Corrections Order for 18 months</p> <p>Decision following appeal of original sentence. Found guilty of accepting payment and failing to supply landscaping goods and services within the timeframe specified to the consumers, as well as other offences under the Home Building Act 1989 (NSW).</p>
13 July 2020	<p>Paul Lawrence Coplick – \$13,400 in fines and compensation</p> <p>Found guilty of failing to supply services within a reasonable time.</p>
16 July 2020	<p>Medibank Private Limited, t/as ahm Health Insurance – \$5 million</p> <p>The Federal Court ordered Medibank to pay \$5 million in penalties for making false representations to members about the benefits offered by their ahm health insurance policies.</p>

Date	Detail
17 July 2020	<p data-bbox="512 219 979 253">Kogan Australia Pty Ltd – \$350,000</p> <p data-bbox="512 302 1394 439">The Federal Court found that Kogan had misled consumers by advertising that they could use the code 'TAXTIME' to reduce prices by 10 per cent at checkout when Kogan had increased the prices of 621 products immediately before the promotion.</p> <p data-bbox="512 488 1404 551">In December 2020, the Federal Court ordered Kogan to pay a penalty of \$350,000 for this conduct.</p>
21 July 2020	<p data-bbox="512 580 919 613">Sean Robert Weinthal – \$7,500</p> <p data-bbox="512 663 1404 725">Unsolicited consumer agreement provisions relating to the supply of tree lopping services.</p>
22 July 2020	<p data-bbox="512 757 979 790">Service Seeking Pty Ltd – \$600,000</p> <p data-bbox="512 840 1417 1077">The Federal Court has ordered online tasking platform, Service Seeking Pty Ltd, to pay \$600,000 in penalties for making false or misleading representations regarding reviews of businesses which were offering services on the platform. Service Seeking admitted that it had falsely represented that reviews published on its platform were by customers, when in fact the businesses themselves had created the reviews.</p>
30 July 2020	<p data-bbox="512 1106 1046 1140">TPG Internet Pty Ltd – Appeal dismissed</p> <p data-bbox="512 1189 1422 1395">The Full Federal Court dismissed the ACCC's appeal against TPG Internet Pty Ltd (TPG) in relation to the marketing and sale of some prepaid internet, home telephone and mobile plans, and held that TPG's use of the word 'prepayment' did not convey anything about the way in which TPG would hold and apply the prepayment, particularly at the end of the plan.</p>
31 July 2020	<p data-bbox="512 1422 1059 1456">Gordon William Harold German – \$10,000</p> <p data-bbox="512 1505 1422 1606">Accepting deposits for specialist alloy wheels for Land Rover vehicles and driver training courses, but failing to deliver the goods or services and not providing a refund.</p>
4 August 2020	<p data-bbox="512 1632 1107 1666">Graeme Walter Miller – 6 years imprisonment</p> <p data-bbox="512 1715 1249 1778">Sentenced to 6 years imprisonment for misappropriating \$1.865 million of client funds.</p>
12 August 2020	<p data-bbox="512 1809 1366 1872">Wayne Matthew Kelly t/as NQ Thatching – \$22,000 in fines, court fees and compensation</p> <p data-bbox="512 1921 1313 1955">Failed to supply goods and services within a reasonable time.</p>

Date	Detail
19 August 2020	<p>PAG (WA) Pty Ltd – \$0 (reprimanded)</p> <p>False and misleading representations concerning the price of goods.</p>
19 August 2020	<p>Zeljko Grujin – \$0 (reprimanded)</p> <p>False and misleading representations concerning the price of goods.</p>
20 August 2020	<p>HealthEngine Pty Ltd – \$2.9 million</p> <p>The Federal Court ordered that HealthEngine pay \$2.9 million in penalties for engaging in misleading conduct in relation to the sharing of patient personal information to private health insurance brokers and publishing misleading patient reviews and ratings. HealthEngine was also ordered to contact affected consumers and provide details of how they can regain control of their personal information.</p>
20 August 2020	<p>Highway Seal Pty Ltd and its sole director John Keith Burgin – \$12,000 in fines</p> <p>Found guilty of six counts of failing to meet the obligations required under the ACL for unsolicited consumer agreements.</p>
20 August 2020	<p>Matthew Rodrigues t/as SA Outdoor Construct</p> <p>On 20 August 2020, the Commissioner for Consumer Affairs (SA) successfully prosecuted Matthew Rodrigues trading as SA Outdoor Construct for breaching section 6(1) of the Building Work Contractors Act 1995 by carrying on a business as a building work contractor when not authorised by licence, and two counts of wrongful acceptance of payment in breach of section 158 of the ACL. Mr Rodrigues was convicted and ordered to be of good behaviour (bond of \$1000) for two years, with 80 hours' community service to be completed within 12 months. Compensation was awarded to consumers totalling \$1,715.</p>
21 August 2020	<p>Russell Freeman and Rebecca Arthur, who operated Cheap as Chips Render and Paint – \$37,987 in fines and compensation</p> <p>Accepted payment for work at the homes of four consumers but failed to complete the jobs.</p>
21 August 2020	<p>Super Value Centre Pty Ltd – \$400 costs – offence proven but no conviction recorded in accordance with s.10(1)(a) of the Crimes (Sentencing Procedure) Act 1999 (NSW)</p> <p>Supplied two toys that failed to comply with mandatory safety standards.</p>

Date	Detail
3 September 2020	<p>Thomas Welsh and his company T.W. Contractors Pty Ltd – \$50,000 in fines</p> <p>Found guilty of eight counts of failing to meet the obligations required under the ACL for unsolicited door-to-door trading by not advising consumers of their rights to terminate agreements.</p>
14 September 2020	<p>Cameron Jeffrey Dowel – \$64,000 in fines and compensation</p> <p>Found guilty of accepting payment but failing to supply goods and services to two consumers.</p>
16 September 2020	<p>Eat Street Enterprises Pty Ltd – \$3500</p> <p>Accepting payment for catering services but failing to deliver and not providing a refund.</p>
16 September 2020	<p>Bradley John Lamb – \$3500</p> <p>Accepting payment for catering services but failing to deliver and not providing a refund.</p>
18 September 2020	<p>Oscar Wylee Pty Ltd – \$3.5 million</p> <p>Oscar Wylee was ordered by the Federal Court (by consent) to pay \$3.5 million in penalties for misleading or deceptive conduct and making false or misleading representations about its charitable donations and affiliations. The court also ordered Oscar Wylee to publish information online explaining its breaches of the ACL.</p>
18 September 2020	<p>Co Phong Pty Ltd – \$5,661 in fines and costs</p> <p>Found guilty of supplying and possessing quantities of pyjama sets and toys not complying with mandatory safety standards.</p>
29 September 2020	<p>Woolworths Group Limited – Appeal dismissed</p> <p>The Full Federal Court dismissed an ACCC appeal against a Federal Court judgment in relation to environmental claims made by Woolworths about its 'W Select eco' picnic products, finding that the trial judge had not made an error when finding that the words 'biodegradable and compostable' referred to an inherent characteristic of the picnic products, and not about a future matter.</p>

Date	Detail
1 October 2020	<p data-bbox="512 219 1150 253">Employsure Pty Ltd – Awaiting penalty judgment</p> <p data-bbox="512 300 1385 439">The Federal Court dismissed the ACCC’s case against workplace relations advisor Employsure Pty Ltd, finding that it did not engage in misleading marketing or behave unconscionably in dealings with small businesses.</p> <p data-bbox="512 486 1414 555">The ACCC appealed the judgment in October 2020, and on 13 August 2021, the Full Federal Court unanimously upheld the appeal.</p>
2 October 2020	<p data-bbox="512 580 842 613">Viagogo AG – \$7 million⁹</p> <p data-bbox="512 660 1426 1010">Viagogo was ordered by the Federal Court to pay a penalty of \$7 million for breaching the ACL by making false or misleading representations when reselling tickets for live music and sports events. <u>The court found in 2019</u> that Viagogo made false or misleading representations to consumers that it was the ‘official’ seller of tickets to particular events, that certain tickets were scarce, and that consumers could purchase tickets for a particular price when this was not the case because significant fees, such as a 27.6 per cent booking fee, were not disclosed until late in the booking process. Viagogo has since appealed both the liability and penalty judgments.</p>
2 October 2020	<p data-bbox="512 1037 914 1070">Suntech Solar Pty Ltd – \$6000</p> <p data-bbox="512 1117 1404 1218">False and misleading representations concerning sponsorship, endorsement or approval through fake testimonials about their solar panels.</p>
2 October 2020	<p data-bbox="512 1245 1350 1279">Australia and New Zealand Banking Group Limited – \$10 million</p> <p data-bbox="512 1326 1406 1426">Ordered by the Federal Court to pay penalties for unconscionable conduct over periodic payment fees, which were charged when there was no contractual entitlement to do so.</p>
8 October 2020	<p data-bbox="512 1453 895 1487">iSelect Limited – \$8.5 million</p> <p data-bbox="512 1534 1423 1711">The Federal Court ordered iSelect Limited to pay \$8.5 million in penalties for making false or misleading representations that its online electricity comparison service recommended the most suitable or competitive plan when, in fact, iSelect only included plans where it had a commercial arrangement with the electricity retailer.</p>
12 October 2020	<p data-bbox="512 1738 1382 1807">Christopher David James Dunster, who operated Queensland Shed Markets – \$116,750 in compensation</p> <p data-bbox="512 1854 1401 1924">Pleaded guilty to 10 counts of breaching the ACL by failing to supply goods and services within a reasonable time.</p>

⁹ Under appeal.

Date	Detail
19 October 2020	<p data-bbox="512 219 1394 286">AGM Markets Pty Ltd, OT Markets Pty Ltd, and Ozifin Tech Pty Ltd – \$75 million</p> <p data-bbox="512 338 1414 685">In October 2020, the Federal Court ordered AGM Markets Pty Ltd, OT Markets Pty Ltd, and Ozifin Tech Pty Ltd to pay pecuniary penalties of \$35 million, \$20 million and \$20 million respectively (a total of \$75 million) for contraventions of the ASIC Act (engaging in unconscionable conduct, engaging in misleading or deceptive conduct, and making false or misleading representations) and Corporations Act (providing advice that was not in the clients’ best interests), while providing OTC derivative products to retail investors. The Federal Court also ordered that refunds be paid to approximately 10,000 former clients.</p>
20 October 2020	<p data-bbox="512 712 724 745">Sam Henderson</p> <p data-bbox="512 790 1402 891">Fined \$10,000 and sentenced to a two-year good behaviour bond for issuing defective disclosure documents and engaging in dishonest conduct.</p>
4 November 2020	<p data-bbox="512 925 995 958">Trivago – Awaiting penalty judgment</p> <p data-bbox="512 1003 1426 1137">The Full Federal Court dismissed an appeal by hotel comparison site Trivago against an earlier decision which found Trivago had breached the ACL by making misleading representations about hotel room rates on its website and television advertising.</p>
6 November 2020	<p data-bbox="512 1171 1337 1238">Hayden Rodger Esler and his business, H&E Car and Machinery Transport (H&E Transport) – \$7,860 in fines and compensation</p> <p data-bbox="512 1283 1362 1350">Pleaded guilty to six counts of failing to supply transport services within a specified time after accepting payment for the service.</p>
10 November 2020	<p data-bbox="512 1384 1342 1485">Helen Woods, also known as Helen Liddle and Helen Parkinson, director of the National Institute of Management and Training – \$15,000 in fines</p> <p data-bbox="512 1529 1206 1563">Accepted payment for training but failed to provide it.</p>
10 November 2020	<p data-bbox="512 1597 1374 1664">Matthew Joshua Gregory, who operated under the partnership MJ Gregory & BA Pitts – \$16,000 in fines and compensation</p> <p data-bbox="512 1709 1313 1742">Failed to supply goods and services within a reasonable time.</p>

Date	Detail
11 November 2020	<p data-bbox="512 219 1334 253">Mark Wayne Williams, owner of TJ Motor Co – \$15,000 in fines</p> <p data-bbox="512 302 1426 577">Found guilty of 22 breaches of the Motor Dealers and Chattel Auctioneers Act 2014 and the ACL. The QOFT investigation found that the trader had sold the same car to five different consumers. Only the first consumer received the vehicle, and they returned it as not roadworthy. The court also heard that in each of the five transactions, the motor dealer failed to provide the consumers all the paperwork required by law, including receipts containing all the required particulars and written contracts.</p>
20 November 2020	<p data-bbox="512 607 994 640">Jayco Corporation Pty Ltd – \$75,000</p> <p data-bbox="512 689 1426 891">The Federal Court dismissed the majority of the ACCC’s case but found that Jayco had misled one consumer by representing that they were only entitled to have their caravan repaired, when, in fact, a consumer’s rights under the ACL also include a refund or replacement when there is a major failure. In finding that there was a major failure, the court had regard to the cumulative effect of the defects.</p> <p data-bbox="512 940 1355 1014">In May 2021, <u>the Federal Court ordered</u> Jayco to pay a penalty of \$75,000 for this conduct.</p>
3 December 2020	<p data-bbox="512 1037 1078 1070">Chrystofa Aarons t/as CSA Models - \$8,500</p> <p data-bbox="512 1120 1410 1193">Accepting payment for modelling agent services but failing to deliver and not providing a refund.</p>
17 December 2020	<p data-bbox="512 1211 1361 1245">Evan Neil Wesche— \$5,000 in fines and \$20,500 in compensation</p> <p data-bbox="512 1294 1315 1328">Failed to supply goods and services within a reasonable time.</p>
15 January 2021	<p data-bbox="512 1350 1406 1384">Luke William Reeves – \$12,000 in fines and \$9,245 in compensation</p> <p data-bbox="512 1433 1426 1507">Accepted payment for landscaping and fencing but failed to complete the work within a reasonable time.</p>

Date	Detail
16 February 2021	<p data-bbox="512 219 1085 253">Kimberly-Clark Australia Pty Ltd – \$200,000</p> <p data-bbox="512 302 1423 472">The Federal Court ordered Kimberly-Clark Australia Pty Ltd to pay a penalty of \$200,000 for misleading consumers by falsely representing on its website that its Kleenex Cottonelle ‘flushable cleansing cloths’ were made in Australia, when they were actually made in Germany, South Korea, or the UK.</p> <p data-bbox="512 521 1423 801">In June 2019, the Federal Court had found that Kimberly-Clark made false or misleading representations that the products were Australian made after Kimberly-Clark admitted this during the court case. The Court dismissed the major aspect of the ACCC’s case about whether the wipes were suitable to be flushed down the toilet, finding the company had not made false and misleading claims about the flushability of the wipes. These findings were upheld by the Full Federal Court on appeal in June 2020.</p>
2 March 2021	<p data-bbox="512 826 1380 891">Megasave Couriers Australia Pty Ltd – \$2.02 million and \$500,000 redress</p> <p data-bbox="512 943 1423 1151">The Federal Court declared that Megasave Couriers Australia Pty Ltd made false or misleading representations to prospective franchisees about guaranteed income. Megasave’s sole director, Gary Bourne, admitted that he was knowingly concerned in the conduct. By consent, the court made an order disqualifying Mr Bourne from managing corporations for a period of five years.</p> <p data-bbox="512 1200 1390 1301">In February 2021, the Federal Court ordered Megasave to pay \$1.9 million in penalties for this conduct. Mr Bourne was ordered to pay a penalty of \$120,000.</p> <p data-bbox="512 1350 1347 1451">The Federal Court also ordered Megasave and Mr Bourne to pay \$500,000 in partial redress for the losses suffered by affected franchisees.</p>
5 March 2021	<p data-bbox="512 1476 1273 1541">Dover Financial Advisers Pty Ltd and Terrence McMaster – \$1.2 million and \$240,000 respectively</p> <p data-bbox="512 1592 1409 1657">Ordered by the Federal Court to pay penalties for false, misleading or deceptive statements in a client protection policy.</p>
5 March 2021	<p data-bbox="512 1688 1289 1753">Andrew Klerck – \$42,796 in fines and costs plus \$25,470 in compensation</p> <p data-bbox="512 1805 1430 1906">Found guilty of accepting payment for wedding photography/ videography goods and services and failing to supply the goods within the timeframes specified to consumers.</p>

Date	Detail
5 March 2021	<p>Katie Klerck – \$45,316 in fines and costs</p> <p>Found guilty of accepting payment for wedding photography/ videography goods and services and failing to supply the goods within the timeframes specified to consumers.</p>
5 March 2021	<p>Susan Hopkins – \$22,010 in fines and costs plus \$4,625 in compensation</p> <p>Found guilty of accepting payment and failing to supply landscaping goods and services in the timeframes specified to consumers, as well as other offences under the Home Building Act 1989 (NSW).</p>
19 March 2021	<p>Raymond John Goodall – \$15,000</p> <p>Accepting payment for motor vehicle repair services but failing to deliver and not providing a refund.</p>
22 March 2021	<p>Quantum Housing Group Pty Ltd – Appeal upheld</p> <p>The Full Federal Court upheld an appeal by the ACCC and declared that Quantum Housing Group Pty Ltd engaged in an unconscionable system of conduct in its dealings with investors regarding the National Rental Affordability Scheme (NRAS).</p>
26 March 2021	<p>Superfone – \$300,000</p> <p>The Federal Court ordered Superfone to pay \$300,000 in penalties for making false and misleading representations. In June 2020, the Federal Court declared that Superfone had contravened the ACL when cold-calling consumers and signing them up to unsolicited new contracts with Superfone. The court also ordered Superfone to email consumers who entered into an unsolicited agreement with it, and subsequently paid a termination fee on cancellation of their contract, advising them to contact Superfone for a full refund of the termination fee. Superfone is also required to email other consumers whose unsolicited agreements have expired but who are continuing to receive services from Superfone on a month-to-month rolling basis, offering them the opportunity to exit their contract with Superfone without charge.</p>
7 April 2021	<p>Commonwealth Bank of Australia – \$7 million</p> <p>Ordered by the Federal Court to pay penalties for false or misleading representations and for engaging in misleading or deceptive conduct in relation to overcharged interest on business overdraft accounts.</p>

Date	Detail
9 April 2021	<p data-bbox="512 219 1398 293">Volkswagen Aktiengesellschaft and Volkswagen Australia – Appeal dismissed</p> <p data-bbox="512 338 1390 577">The Full Federal Court dismissed an appeal by Volkswagen AG against the penalties <u>handed down earlier</u> for making false representations about compliance with Australian diesel emissions standards. In dismissing the appeal, the Full Court upheld the \$125 million penalty imposed by the Federal Court and held that the \$125 million penalty “was not excessive, let alone manifestly excessive”.</p>
14 April 2021	<p data-bbox="512 607 970 640">Aura Designs Co Pty Ltd – \$10,000</p> <p data-bbox="512 685 1430 752">Accepting payment for furniture but failing to deliver and not providing a refund.</p>
14 April 2021	<p data-bbox="512 781 970 815">Simone Elizabeth Lockett – \$5,000</p> <p data-bbox="512 860 1430 927">Accepting payment for furniture but failing to deliver and not providing a refund.</p>
14 April 2021	<p data-bbox="512 956 957 990">Stone Repair Pro Pty Ltd – \$4,000</p> <p data-bbox="512 1034 1401 1102">Accepting payment for stone repair and cleaning services but failing to deliver and not providing a refund.</p>
14 April 2021	<p data-bbox="512 1131 1406 1164">Darren Hemmings/Hemmynges – Darren John Hemmings – \$2,000</p> <p data-bbox="512 1209 1401 1276">Accepting payment for stone repair and cleaning services but failing to deliver and not providing a refund.</p>

Date	Detail
15 April 2021	<p data-bbox="512 219 1412 293">Smart Corporation Pty Ltd t/as Australian 4WD Hire – \$1.223 million plus approx. \$9,500 redress</p> <p data-bbox="512 338 1412 544">Four-wheel-drive vehicle hire business, Smart Corporation Pty Ltd (in liquidation), previously trading as Australian 4WD Hire, was ordered to pay penalties of \$870,000 after the Federal Court found that it engaged in unconscionable conduct, made false or misleading representations in relation to insurance cover, and included unfair contract terms in its vehicle rental contracts.</p> <p data-bbox="512 595 1412 801">The court also found that Australian 4WD Hire’s former director and then fleet manager, Vitali Roesch, and then director, Maryna Kosukhina, were knowingly concerned in this conduct. The court made orders disqualifying them from managing a company for three years, and ordered them to pay \$179,000 and \$174,000 in penalties respectively.</p> <p data-bbox="512 853 1412 992">Australian 4WD, Mr Roesch and Ms Kosukhina were ordered to pay approximately \$9,500 in redress to five consumers whose experiences with Australian 4WD were presented to the court as part of the ACCC’s proceedings.</p>
16 April 2021	<p data-bbox="512 1014 1433 1048">Google LLC and Google Australia Pty Ltd – Awaiting penalty judgment</p> <p data-bbox="512 1099 1433 1339">The Federal Court found that Google LLC and Google Australia Pty Ltd misled consumers about personal location data collected through Android mobile devices between January 2017 and December 2018. The court dismissed the ACCC’s allegations about certain statements Google made about the methods by which consumers could prevent Google from collecting and using their location data, and the purposes for which personal location data was being used by Google.</p>
16 April 2021	<p data-bbox="512 1364 1129 1397">Garry Joseph Glen Garry Joseph Glen – \$5,000</p> <p data-bbox="512 1449 1390 1509">Accepting payment for decorative screens but failing to deliver and not providing a refund.</p>
19 April 2021	<p data-bbox="512 1538 1374 1599">Shane Andrew Voss of SV Roofing – \$1,000 in fines and \$1,150 in compensation</p> <p data-bbox="512 1650 1315 1684">Failed to supply goods and services within a reasonable time.</p>
30 April 2021	<p data-bbox="512 1713 1038 1747">ABRI Pty Ltd – \$1,555 in fines and costs</p> <p data-bbox="512 1798 1283 1859">Found guilty of supplying a toy that was not compliant with mandatory safety standards.</p>

Date	Detail
30 April 2021	<p data-bbox="512 219 1161 253">Narita Imports Pty Ltd – \$7,725 in fines and costs</p> <p data-bbox="512 302 1423 443">Found guilty of misrepresenting to consumers that the vehicles they were purchasing had been checked against the Personal Property Securities Register and had clear title, as well as other offences under the Motor Dealers and Repairers Act 2013 (NSW).</p>
6 May 2021	<p data-bbox="512 465 1417 535">Vic Solar Technologies Pty and Sunny Srinivasan – the company was fined \$3 million, and the director was fined \$450,000</p> <p data-bbox="512 584 1386 757">This solar panel retailer, which made misleading representations to consumers, failed to comply with legal protections for unsolicited consumer agreements, and engaged in unconscionable conduct, among other breaches of the ACL, has been fined \$3 million in the Federal Court, and its director ordered to pay \$450,000.</p> <p data-bbox="512 804 1423 904">The company, Vic Solar Technologies Pty Ltd (ACN: 160 835 941), contravened the ACL in relation to 4,300 consumer contracts supplied to customers.</p>
11 May 2021	<p data-bbox="512 931 1402 1001">Samuel James Goodwin, who traded as Turned On Electrical and Air Conditioning – \$11,000 in fines and compensation</p> <p data-bbox="512 1050 1410 1151">Found guilty of two breaches of the ACL by accepting money and failing to supply goods and services within a reasonable time, and by making false representations of goods and services he provided.</p>
11 May 2021	<p data-bbox="512 1178 1206 1211">NIB Health Funds Limited – Discontinued by consent</p> <p data-bbox="512 1261 1369 1431">The ACCC and NIB Health Funds Limited agreed to the ACCC’s Federal Court proceedings against NIB being discontinued after it committed to continue to provide advance notice to its members of policy changes which are likely to result in higher out-of-pocket expenses for consumers.</p> <p data-bbox="512 1480 1402 1684">NIB has addressed the ACCC’s concerns and, for the past four years, has been notifying members of changes that negatively affect their benefits ahead of the changes taking affect. NIB also provided compensation to a number of consumers affected by the conduct, who had to pay out-of-pocket expenses when receiving eye treatments they had previously undergone with no gap fees.</p>

Date	Detail
13 May 2021	<p>Telstra Corporation Ltd – \$50 million</p> <p>The Federal Court ordered by consent that Telstra pay \$50 million in penalties for engaging in unconscionable conduct when it sold mobile contracts to more than 100 Indigenous consumers across three states and territories.</p>
14 May 2021	<p>Scott Joseph Glen – \$5,000</p> <p>Accepting payment for decorative screens but failing to deliver and not providing a refund.</p>
20 May 2021	<p>Jump Loops Pty Ltd and Swim Loops Holdings Pty Ltd – \$23.4 million plus \$500,000 compensation</p> <p>The franchisor, Jump Loops Pty Ltd (in liquidation) (Jump Swim), has been ordered to pay penalties of \$23 million for making false or misleading representations and wrongly accepting payments from franchisees, in proceedings brought by the ACCC. The founder and former managing director of Jump Swim, Ian Michael Campbell, was also ordered by the court to pay \$500,000 in compensation to franchisees and to pay a penalty of \$400,000.</p>
25 May 2021	<p>Key to Australia Pty Ltd and sole director, Graham Scarrott – \$250,000 in fines and \$1,573,601.98 in compensation</p> <p>Pleaded guilty to 18 breaches of the ACL for making false and misleading representations about land.</p>
2 June 2021	<p>Dodo Services Pty Ltd and Primus Telecommunications Services Pty Ltd (iPrimus) – \$2.5 million</p> <p>The Federal Court ordered Dodo to pay \$1.5 million and iPrimus to pay \$1 million in penalties for making misleading claims about their NBN broadband speeds. Dodo and iPrimus are both part of the Vocus Group.</p>
14 June 2021	<p>Gregory Alexander Ritchie, who operated the business, BSE – Bicycle Safety Equipment – \$5,000 in fines and \$2,075 in compensation</p> <p>Failed to supply goods and services within a reasonable time.</p>
22 June 2021	<p>Geowash Pty Ltd – Appeal dismissed</p> <p>The Full Federal Court dismissed an appeal by the former director and franchising manager of former carwash franchise Geowash Pty Ltd against a Federal Court decision that they were knowingly concerned in breaches of the ACL and Franchising Code of Conduct.</p>

Date	Detail
25 June 2021	<p>Darian Dennis Lindsay – \$24,370 in fines and costs</p> <p>Found guilty of accepting payment and not supplying the building and landscaping goods and services within the timeframes specified to consumers, as well as other offences under the <i>Home Building Act 1989 (NSW)</i>.</p>
30 June 2021	<p>Sumo Power Pty Ltd – \$1.2 million plus redress of approx. \$800,000</p> <p>The Federal Court declared by consent that Sumo made false or misleading representations in selling electricity plans to Victorian consumers and ordered it to pay \$1.2 million in penalties, and to pay consumer redress to affected consumers.</p>

Other outcomes

Date	Detail
28 July 2020	<p>Etihad</p> <p>Following engagement with the ACCC, Etihad revised its COVID-19 rebooking policy to ensure that, consistent with its obligations to customers under its conditions of carriage, the policy included an offer of refunds to all consumers in Australia who purchased tickets, regardless of where their flight was scheduled to depart from and regardless of whether they had previously accepted a flight credit.</p>
10 August 2020	<p>Jeffry Leonard Gordon – Permanent banning</p> <p>Banned from engaging in credit activities due to knowingly or recklessly giving a false letter to a client stating that they had formally been approved for a home loan.</p>
25 August 2020	<p>Francesco Antonio (Tony) Romano – Temporary banning</p> <p>Banned from providing financial services and from being involved in the carrying on of a financial services business for five years due to misleading or deceptive conduct and failure to provide appropriate financial advice in clients' best interests.</p>
9 October 2020	<p>Todd Erwin Butler – Temporary banning</p> <p>Banned from providing financial services and engaging in credit activities for five years due to writing valueless cheques and submitting home loan applications with false documents.</p>

Date	Detail
29 October 2020	<p>Nee Tanner and NT Financial Services Pty Ltd – Temporary banning and cancellation of credit licence respectively</p> <p>Banned from engaging in credit activities for five years due to recklessly providing documents in support of home loan applications that were false in a material particular or materially misleading, and credit licence of company cancelled.</p>
9 November 2020	<p>Simplot Australia Pty Ltd</p> <p>Simplot Australia Pty Ltd amended the country of origin labelling on 31 frozen fish products, from 'Made in Australia' to 'Packed in Australia', following concerns raised by the ACCC. The frozen fish products were sold under the brand names Birds Eye, I&J, Neptune and one home brand product.</p> <p>Following compliance checks across a range of frozen foods, the ACCC was concerned that the products displayed a 'Made in Australia' mark when the imported frozen fish may not have been substantially transformed in Australia.</p>
24 November 2020	<p>UGL</p> <p>Engineering company, UGL, restored shorter payment terms for its small business suppliers, by moving from 65 days to 30 days payment terms in 2021. UGL announced that it would reduce its payment terms to 30 days for all its small business suppliers by early 2021 as part of its small business policy.</p>
12 February 2021	<p>Daniel Stuart McSweeney – Permanent banning</p> <p>Banned from providing financial services following court findings that there was sufficient evidence to support charges of dishonesty and falsifying books</p>
10 March 2021	<p>Australian Pacific Touring Pty Ltd t/as APT and Travelmarvel</p> <p>Following engagement with the ACCC, APT agreed to stop deducting marketing and overhead costs from refunds for COVID-19 related cancellations, and to reimburse customers who had previously had these costs deducted from their refund. Where a refund is sought (as opposed to a credit), APT will continue to deduct an amount from refunds to cover reasonable losses that it has not been able to recover and will also deduct a fee per booking relating to administration costs in arranging the refunds. While APT's terms and conditions allowed it to deduct some costs from refunds, the ACCC considered that APT was not entitled to deduct marketing and overhead costs as they were incurred before each consumer's booking was made and would have been incurred regardless of whether a booking was made.</p>

Date	Detail
15 March 2021	<p data-bbox="512 219 979 253">Nizi Bhandari – Permanent banning</p> <p data-bbox="512 300 1398 510">Banned from providing financial services and engaging in credit activities, controlling a financial services or credit business, or performing any function in relation to carrying on a financial services or credit business due to acting dishonestly while assisting consumers to find and consolidate their superannuation and obtain hardship payments.</p>
22 March 2021	<p data-bbox="512 535 842 568">GrainCorp Operations Ltd</p> <p data-bbox="512 616 1426 826">GrainCorp agreed to amend 19 terms in its Grain Warehousing Agreement (GWA) with small business grain growers, after an ACCC investigation concluded that these terms were likely to be unfair contract terms. GrainCorp has not admitted that any of the terms contained in its GWA are unfair contract terms, but has made changes to address the ACCC's concerns.</p>
23 March 2021	<p data-bbox="512 851 1385 884">Adventium – approximately \$6.5 million in withheld payments paid</p> <p data-bbox="512 931 1422 1104">The ACCC concluded its investigation into Adventium, the owner of the online booking platform, Website Travel, after Adventium paid approximately \$6.5 million of payments to over 350 Australian tour operators that it previously withheld without having a legal basis to do so.</p>
20 April 2021	<p data-bbox="512 1133 1026 1167">Andrew Carl Hills – Temporary banning</p> <p data-bbox="512 1214 1422 1317">Banned from providing financial services for four years for allowing or authorising misleading and inaccurate letters about superannuation to be issued to members.</p>
29 April 2021	<p data-bbox="512 1344 1029 1377">Christopher Chan – Temporary banning</p> <p data-bbox="512 1424 1382 1563">Banned from providing financial services, controlling a financial services business, or performing any function as an officer of a financial services business for five years for sending misleading or deceptive emails about superannuation to some clients.</p>
8 June 2021	<p data-bbox="512 1588 963 1621">Gavin Fineff – Permanent banning</p> <p data-bbox="512 1668 1414 1912">Banned from providing any financial services, controlling a financial services business, or performing any function involved in carrying on of a financial services business. This ban is due to engaging in misleading and dishonest conduct; misuse of position for personal gain and other misconduct for sourcing funds from clients and other individuals as loans, and gambling and losing a significant amount of those funds without their knowledge.</p>

