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**DIRECTORATE FOR FINANCIAL AND ENTERPRISE AFFAIRS  
COMPETITION COMMITTEE**

**Working Party No. 2 on Competition and Regulation**

**Market Studies and other Market Analysis Tools for Competition Authorities – Note by  
Australia**

3 December 2025

This document reproduces a written contribution from Australia submitted for Item 4 of the 80th meeting of Working Party 2 on 3 December 2025.

More documentation related to this discussion can be found at: [oe.cd/msmat](https://oe.cd/msmat).

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## *Australia*

### 1. Introduction

1. The ACCC utilises several market analysis tools to understand how effectively competition is working in a specific sector: these include price inquiries, self-initiated market studies, and research initiatives. This submission provides an overview of these three forms of market analysis, and highlights notable outcomes and benefits through recent case studies.

### 2. The ACCC's market analysis tools

#### 2.1. Price inquiries

2. Under section 95H(1) of the Competition and Consumer Act 2010 (Cth) (CCA), the Minister can by notice require the ACCC to hold an inquiry into matters relating to 'prices for the supply of goods and services'.<sup>1</sup> The Minister's notice sets the scope of relevant 'goods and services' for the inquiry, the range of matters to be examined, which can be broad and not directly related to price, and the period in which the ACCC must complete the inquiry and give an inquiry report to the Minister.<sup>2</sup> The ACCC must publish its inquiry reports unless directed otherwise by the Minister.<sup>3</sup>

3. The ACCC can utilise statutory information-gathering powers as part of a price inquiry:

- The ACCC Chair can issue compulsory notices to suppliers of goods and services the subject of the inquiry, where the Chair has reason to believe that the supplier is capable of giving relevant written information or documents. Non-compliance with a notice is an offence attracting penalties.<sup>4</sup>
- The ACCC can summon a person to appear at a hearing to give evidence and produce documents. Non-compliance with a summons is an offence attracting penalties.<sup>5</sup>

4. In its inquiries, the ACCC consults widely with industry, academics and consumer groups (e.g. calling for written submissions and holding stakeholder forums). Inquiries are

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<sup>1</sup> 'Price' includes a charge of any description; and, in relation to goods or services, any pecuniary benefit, whether direct or indirect, received or to be received by a person for or in connection with the supply by the person of the goods or services (CCA section 95A). The Minister can also give the ACCC a direction to monitor and report on prices, costs and profits of an industry or a specified business (CCA sections (95ZE, 95ZF).

<sup>2</sup> CCA sections 95J, 95K.

<sup>3</sup> CCA section 95P.

<sup>4</sup> CCA section 95ZK.

<sup>5</sup> CCA sections 95S, 95T.

public, and the ACCC is generally required to publish all information gathered during the inquiry (subject to confidentiality claims).<sup>6</sup>

5. The ACCC currently has 2 ongoing price inquiries and has completed 17 price inquiries since 2008.<sup>7</sup> Some case studies are set out below.

6. In the ACCC's experience, price inquiries are a valuable tool, with benefits including:

- improving the ACCC's understanding of industry practices and dynamics;
- encouraging public debate over competition and consumer matters and informing policy consideration;
- providing the ACCC with information that can lead to investigations of potential contraventions of competition or consumer laws (noting these investigations are undertaken separately to the inquiry itself).

## 2.2. Self-initiated price inquiries and market studies

7. Under section 95H(2), the Minister can also approve the ACCC to hold an inquiry into matters relating to 'prices for the supply of goods and services'.<sup>8</sup> This will afford the ACCC the statutory information-gathering powers described above. A case study of a self-initiated price inquiry that was approved by the Minister is below.

8. The ACCC can self-initiate market studies under section 28(1)(c) of the CCA, which gives the ACCC the power to 'conduct research in relation to matters affecting the interests of consumers, being matters with respect to which the Parliament has power to make laws'. For a self-initiated market study, the ACCC determines the subject, scope and timeframe for the study. The ACCC does not have the power to compel the production of information or documents but consults with industry through other means (e.g. voluntary information requests and public calls for submissions). The ACCC has conducted 6 self-initiated market studies to date.<sup>9</sup>

## 2.3. Research initiatives with other domestic regulators

9. The ACCC also collaborates with other Australian regulators to conduct self-initiated research on matters. For example, in March 2022, the ACCC, the Australian Communication and Media Authority, the eSafety Commissioner, and the Office of the Australian Information Commissioner formed the Digital Platform Regulators Forum (DP-REG). Since 2023, DP-REG has produced a series of working papers exploring emerging

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<sup>6</sup> CCA sections 95R, 95ZK(9), 95ZN.

<sup>7</sup> Information on current and past ACCC inquiries can be found at <https://www.accc.gov.au/inquiries-and-consultations>. The ACCC also conducts ongoing monitoring inquiries for fuel and petrol, container stevedoring, and airports.

<sup>8</sup> 'Price' includes a charge of any description; and, in relation to goods or services, any pecuniary benefit, whether direct or indirect, received or to be received by a person for or in connection with the supply by the person of the goods or services (CCA section 95A). The Minister can also give the ACCC a direction to monitor and report on prices, costs and profits of an industry or a specified business (CCA sections (95ZE, 95ZF).

<sup>9</sup> [Cattle and beef market study 2016-17](#); [New car retailing industry market study 2016-17](#); [Communications sector market study 2018](#); [Wine grape market study 2018-19](#); [Customer loyalty schemes review 2019](#); [Agricultural machinery market study 2021](#).

digital platform technologies and their implications for consumer protection, competition, the media and information environment, privacy, and online safety.<sup>10</sup> These working paper topics have covered algorithms, large language models, multimodal foundation models and immersive technologies.<sup>11</sup>

### 3. Price inquiries – case studies

#### 3.1. Digital Platform Services Inquiry 2020-25 (DPSI)

10. In February 2020, the Treasurer directed the ACCC to conduct a 5-year inquiry into markets for the supply of digital platform services.<sup>12</sup> The direction identified a specific list of ‘digital platform services’ to be covered by the inquiry. The ACCC was required to deliver interim reports to the Treasurer every 6 months, with the tenth and final report due in March 2025.

11. For each DPSI report, the ACCC sent compulsory information-gathering notices to digital platform service providers (for example, requesting data about user numbers or revenue for a particular service relevant to the report topic). The ACCC also conducted several surveys of consumers and industry participants to inform its findings throughout the DPSI.

12. Notable outcomes from the DPSI have included:

- **Providing an evidence base of possible market failures:** Throughout the DPSI, the ACCC found a significant risk of consumer and competition harms across a range of digital platform services that Australia’s current laws cannot adequately address. The DPSI explored how a lack of competition in Australia’s digital markets can stifle productivity and innovation, reduce choices, and lead to higher prices for Australian consumers and businesses.
- **Informing policy:** Several law reform recommendations made by the ACCC throughout the DPSI (and the ACCC’s prior digital platform inquiry work) to improve competition and consumer outcomes have been accepted and implemented by government. These include the News Media Bargaining Code, updated privacy laws, strengthened laws regarding unfair contract terms, and a new Scams Protection Framework. The government is consulting on the implementation of additional DPSI recommendations, including a prohibition on unfair trading practices and a new digital competition regime.
- **Compliance and enforcement:** Evidence gathered during the DPSI has led to several investigations into potential contraventions of competition and consumer law by digital platforms. For example, in August 2025, the ACCC commenced Federal Court proceedings against Google Asia Pacific over anti-competitive understandings that Google admits it reached in the past with telecommunications

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<sup>10</sup> DP-REG members do not have the power to compel the production of information for these papers.

<sup>11</sup> Published papers are available at <https://dp-reg.gov.au/publications>.

<sup>12</sup> Further information can be found at <https://www.accc.gov.au/inquiries-and-consultations/finalised-inquiries/digital-platform-services-inquiry-2020-25>.

providers regarding the pre-installation of Google Search on Android mobile phones.<sup>13</sup>

### 3.2. Supermarkets Inquiry 2024-25

13. In February 2024, the Treasurer directed the ACCC to conduct a 13-month inquiry into markets for the supply of groceries.<sup>14</sup> The direction set out a broad scope of topics to address, including the nature of competition at different levels of the supply chain, how prices are set and non-price aspects of competition.

14. The ACCC undertook a wide range of information-gathering processes. It issued compulsory notices to supermarkets requiring the production of a wide range of information and documents, including extensive pricing and margins data. The ACCC also conducted:

- a (voluntary) consumer survey, seeking qualitative and quantitative evidence about how consumers shop for their groceries, receiving more than 20,000 responses
  - a series of (voluntary) supplier roundtables held in private in locations across Australia, attended by suppliers
  - a series of compulsory hearings with relevant witnesses, with some held in private and others held in public, livestreamed to the public.
15. Notable outcomes from the Supermarkets Inquiry have included:
- **Informing the public:** While the ACCC's interim report and final report were useful for informing the public regarding issues in markets for the supply of groceries, the livestreamed hearings served this purpose in a more accessible form, including as extracts were publicised through the media. They also served to promote public trust in the work of the inquiry specifically and the ACCC more broadly.
  - **Informing policy:** The ACCC made 20 recommendations in the Supermarkets Inquiry final report to address aspects of markets that were not working well, improve the conditions for competition in the supply of groceries and deliver better outcomes for consumers. The recommendations collectively are intended to bolster competition over the medium to longer-term where it is possible to do so and address aspects of the market where competition is unlikely to emerge; support consumers to make informed decisions; and enhance the efficiency of grocery supply chains. At the time of writing, it is not yet confirmed whether and which recommendations will be implemented.
  - **Compliance and enforcement:** Information gathered during the Supermarkets Inquiry, including about how the supermarkets' businesses operate and what information they hold, will assist the ACCC's ongoing compliance and enforcement work.

### Retail Deposits Inquiry 2023

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<sup>13</sup> Further information can be found at <https://www.accc.gov.au/media-release/google-admits-anti-competitive-conduct-involving-google-search-in-australia>.

<sup>14</sup> Further information can be found at <https://www.accc.gov.au/inquiries-and-consultations/finalised-inquiries/digital-platform-services-inquiry-2020-25>.

16. On 15 December 2023, the ACCC publicly released the Retail Deposits Inquiry (RDI) final report, which considered the competitive dynamics and consumer outcomes in the supply of retail deposit products by large, medium and small banks.

17. Throughout the Inquiry, the ACCC used its compulsory information gathering powers under section 95ZK of the Act to obtain data, information, and documents on retail deposit products supplied by 14 of the largest banks in Australia, which collectively hold over 90% of household deposits.

18. Some of the prominent outcomes from the RDI include:

- **Providing an evidence base of possible market failures:** The ACCC found that consumer engagement with retail deposit products is complex and often shaped by experiences, preferences, and biases, including towards the banking sector more generally. It also found that it is difficult for consumers to obtain an objective view of the best products for them, due to a lack of consistency between banks and conflicted arrangements with comparison websites.
- **Informing policy:** The ACCC made several recommendations in the RDI final report to improve competition in the deposits market. The Government supported or will pursue further work on several of the recommendations, including initiatives in relation to:
  - Banks informing customers of changes to interest rates on their transaction or savings account.
  - Investigating prompts to encourage consumers to switch retail banking products, and how banks notify customers about new bonus interest rate offers and when an introductory interest rate period is going to end.
  - Improving comparison website transparency about how they rank products and their commercial relationships with banks.

#### 4. Self-initiated price inquiry – case study

19. The ACCC obtained approval from the Minister under section 95H(2) to conduct an inquiry into Foreign Currency Conversion Services and published the final report in September 2019.<sup>15</sup> The report found important competition and consumer issues and made recommendations to address them. Among the findings was that the largest Australian banks, with the highest market shares, were often more expensive than other suppliers for buying foreign cash and international money transfers and that there was inconsistent disclosure of fees and charges impeding consumers from making accurate comparisons between suppliers. The ACCC subsequently issued Best Practice Guidance for foreign cash and international money transfer services to improve up-front disclosure of IMT prices, including correspondent bank fees.

20. In 2024 the ACCC examined the international money transfer market 5 years on from the first report and found improved competition and some improvement in disclosure of IMT prices.<sup>16</sup> The ACCC also made further changes to its Best Practice Guidance to

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<sup>15</sup> <https://www.accc.gov.au/about-us/publications/foreign-currency-conversion-services-inquiry-final-report>

<sup>16</sup> <https://www.accc.gov.au/about-us/publications/transparency-and-competition-in-international-money-transfer-services>

improve transparency and bring the Guidance's requirements in line with the G20 Roadmap for Cross-border payments.