



## **World Consumer Protection Map**

Contribution by  
AUSTRALIA

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Page 2: Contact of respondent

**Q1** Name of responding member State **Australia**

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**Q2** Name of responding authority/agency:

Commonwealth Treasury

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Page 3: Consumer protection legislation

**Q7** Does your country's Constitution contain a provision on consumer protection? **No**

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**Q8** If you do, please provide de following details: **Respondent skipped this question**

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**Q9** Does your country have have specific law(s) on consumer protection ? **Yes**

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**Q10** If you do, when was the main specific law first enacted? Date **24/08/1974**

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## Consumer Protection Survey

**Q11** If your main specific law on consumer protection has been revised, when was the date of its latest revision?

Date

06/04/2019

**Q12** Please provide the following details of the current specific law(s):

1- Name of law

**Competition and Consumer Act 2010 (formerly known as the Trade Practices Act 1974) - The consumer law protections are found in Schedule 2 of the Competition and Consumer Act and are generally referred to as the Australian Consumer Law (ACL)**

1- URL link

**<https://www.legislation.gov.au/Details/C2019C00149>**

2- Name of law

**Australian Securities and Investments Commission Act 2001 - Covers financial products and services**

2- URL link

**<https://www.legislation.gov.au/Details/C2019C00168>**

**Q13** Please check all the fields that your consumer protections law(s) cover.

**Consumer rights/legitimate needs,**  
**Protection of vulnerable and disadvantaged consumers**  
,  
**Product quality,**  
**Terms and conditions** ,  
**Promotional marketing and sales practices (including misleading advertisement)**  
,  
**Restrictive business practices (competition/antitrust)** ,  
**Electronic commerce,**  
**Food distribution,**  
**Water,**  
**Pharmaceuticals,**  
**Energy,**  
**Public utilities,**  
**Tourism,**  
**Financial services,**  
**Redress,**  
**Consumer education,**  
**Consumer information**

## Consumer Protection Survey

**Q14** From your previous answer, your specific consumer protection law(s) do(es) not cover the following field(s). Please name the relevant law(s) covering this/these field(s):

Access by consumers to essential goods and services

**Social Security Act 1991 - Australia has a social security system as a safety net, and does not prescribe for access to essential goods and services**

Data protection and privacy

**Privacy Act 1988**

Dispute resolution

**See answer to questions 46 and 47**

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**Q15** Please indicate the URL Link of the relevant law(s) to each field:

Access by consumers to essential goods and services

**<https://www.legislation.gov.au/Details/C2019C00183>**

Data protection and privacy

**<https://www.legislation.gov.au/Details/C2019C00025>**

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**Q16** Name of Ministry responsible for consumer protection:

Commonwealth Treasury - Treasury has policy portfolio responsibility for consumer matters, and works in conjunction with the States and Territories which have adopted the ACL in their jurisdictions.

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**Q17** URL link of responsible Ministry for consumer protection:

[www.treasury.gov.au](http://www.treasury.gov.au)

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**Q18** Year when consumer protection was assumed by the current responsible ministry:

1974

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### Page 6: Consumer protection institutions

**Q19** Do you have a main consumer protection authority/agency? **Yes**

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**Q20** Name of main consumer protection authority/agency:

Australian Competition and Consumer Commission (includes the Australian Energy Regulator) - Note there are also State regulators in every State and Territory.

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**Q21** URL of main consumer protection authority/agency:

[www.accc.gov.au](http://www.accc.gov.au)

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**Q22** Year of creation:

1995

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## Consumer Protection Survey

**Q23** Annual budget: (in USD)

200000000

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**Q24** Total number of staff:

1022

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**Q25** Total number of staff directly affected to consumer protection:

Not publicly available

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**Q26** Do you have a law/decree that governs the main consumer protection authority/agency? **Yes**

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**Q27** If you do, please provide the following details:

Reference of the law/decree

**Competition and Consumer Act 2010 (formerly known as the Trade Practices Act 1974)**

URL to law/decree

**<https://www.legislation.gov.au/Details/C2019C00149>**

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**Q28** Does your main consumer protection authority/agency have POLICY MAKING powers over any of the following fields?

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**Respondent skipped this question**

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## Consumer Protection Survey

**Q29** From your previous answer, your main authority/agency does not have POLICY MAKING powers over the following fields. Please name the relevant authorities/agencies with powers over these fields:

Consumer rights/legitimate needs	<b>Commonwealth Treasury (in conjunction with States and Territories)</b>
Access by consumers to essential goods and services	<b>Department of Social Services</b>
Protection of vulnerable and disadvantaged consumers	<b>Commonwealth Treasury (in conjunction with States and Territories)</b>
Product quality	<b>Commonwealth Treasury (in conjunction with States and Territories)</b>
Terms and conditions	<b>Commonwealth Treasury (in conjunction with States and Territories)</b>
Promotional marketing and sales practices (including misleading advertisement)	<b>Commonwealth Treasury (in conjunction with States and Territories)</b>
Restrictive business practices(competition/antitrust)	<b>Commonwealth Treasury</b>
Financial services	<b>Commonwealth Treasury (for ASIC Act)</b>
Food distribution	<b>Department of Agriculture</b>
Water	<b>Department of Agriculture</b>
Pharmaceuticals	<b>Department of Health</b>
Energy	<b>Department of the Environment and Energy</b>
Public utilities	<b>Department of the Environment and Energy (for the National Energy Market, including electricity and gas), Department of Communications (for Communications)</b>
Tourism	<b>Austrade</b>
Data protection and privacy	<b>Department of the Prime Minister and Cabinet (for Data protection), Attorney-General's Department (for Privacy)</b>
Consumer education	<b>Commonwealth Treasury (in conjunction with States and Territories)</b>
Consumer information	<b>Commonwealth Treasury (in conjunction with States and Territories)</b>

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## Consumer Protection Survey

**Q30** URL Link of the relevant authority/agency to each field:

Consumer rights/legitimate needs	<a href="http://www.treasury.gov.au">www.treasury.gov.au</a>
Access by consumers to essential goods and services	<a href="http://www.dss.gov.au">www.dss.gov.au</a>
Protection of vulnerable and disadvantaged consumers	<a href="http://www.treasury.gov.au">www.treasury.gov.au</a>
Product quality	<a href="http://www.treasury.gov.au">www.treasury.gov.au</a>
Terms and conditions	<a href="http://www.treasury.gov.au">www.treasury.gov.au</a>
Promotional marketing and sales practices (including misleading advertisement)	<a href="http://www.treasury.gov.au">www.treasury.gov.au</a>
Restrictive business practices(competition/antitrust)	<a href="http://www.treasury.gov.au">www.treasury.gov.au</a>
Financial services	<a href="http://www.treasury.gov.au">www.treasury.gov.au</a>
Food distribution	<a href="http://www.agriculture.gov.au">www.agriculture.gov.au</a>
Water	<a href="http://www.agriculture.gov.au">www.agriculture.gov.au</a>
Pharmaceuticals	<a href="http://www.health.gov.au">www.health.gov.au</a>
Energy	<a href="http://www.environment.gov.au">www.environment.gov.au</a>
Public utilities	<a href="http://www.environment.gov.au">www.environment.gov.au</a> , <a href="http://www.communications.gov.au">www.communications.gov.au</a>
Tourism	<a href="http://www.austrade.gov.au">www.austrade.gov.au</a>
Data protection and privacy	<a href="http://www.pmc.gov.au">www.pmc.gov.au</a> , <a href="http://www.ag.gov.au">www.ag.gov.au</a>
Consumer education	<a href="http://www.treasury.gov.au">www.treasury.gov.au</a>
Consumer information	<a href="http://www.treasury.gov.au">www.treasury.gov.au</a>

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## Consumer Protection Survey

**Q31** Does your main consumer protection authority/agency have ENFORCEMENT powers over any of the following fields?

**Consumer rights/legitimate needs,**  
**Protection of vulnerable and disadvantaged consumers**  
,  
**Physical safety,**  
**Product quality,**  
**Terms and conditions** ,  
**Promotional marketing and sales practices (including misleading advertisement)**  
,  
**Restrictive business practices (competition/antitrust)** ,  
**Electronic commerce,**  
**Food distribution,**  
**Water,**  
**Pharmaceuticals,**  
**Energy,**  
**Public utilities,**  
**Tourism,**  
**Redress,**  
**Consumer education,**  
**Consumer information**

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**Q32** From your previous answer, your main consumer protection authority/agency does not have ENFORCEMENT powers over the following fields. Please name the relevant authorities/agencies with powers over these fields:

Financial services	<b>Australian Securities and Investments Commission</b>
Data protection and privacy	<b>Office of the Australian Information Commissioner</b>

**Q33** URL Link of the relevant authority/agency to each field:

Financial services	<b><a href="http://www.asic.gov.au">www.asic.gov.au</a></b>
Data protection and privacy	<b><a href="https://www.oaic.gov.au/">https://www.oaic.gov.au/</a></b>

**Q34** Regarding enforcement, how many infringement cases does your authority/agency handle on average per year?

In 2017-18, ACCC commenced litigation in 14 consumer-protection related matters, and obtained 16 outcomes.



## Consumer Protection Survey

**Q35** Has your authority/agency imposed sanctions and/or other measures for breaches of consumer protection law(s)? **No**

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**Q36** Maximum amount for sanction/measure allowed by consumer protection law(s): (in USD)

7000000

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**Q37** Record highest amount for any sanction/measure imposed: (in USD)

12600000

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**Q38** Please detail if necessary, what kind of sanctions and/or other measures are available in your jurisdiction

In addition to financial penalties, other remedies available to the courts include:

- injunction to stop a business from engaging in conduct in breach of the ACL, or to require the business to do certain things.
  - compensation order for loss or damage suffered, or likely to be suffered, as a result of a contravention of the ACL.
  - orders for redress for non-party consumers.
  - non-punitive order in respect of a contravention of the ACL.
  - adverse publicity order in respect of contravention of the ACL. A court may order corrective advertising.
  - order disqualifying a person from managing a corporation in respect of a contravention of the ACL
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**Q39** Are there any non-governmental consumer organizations/associations in your country? **Yes**

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**Q40** Do you have a law/decree that governs consumer organizations/associations? **No**

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**Q41** In case you have a law/decree that governs consumer organizations, please provide the following details: **Respondent skipped this question**

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**Q42** Do consumer organizations/associations fulfil any of the following functions?

**Consultation in policy making,**  
**Legal advice to consumers,**  
**Consumer education,**  
**Consumer information,**  
**Consumer publications,**  
**Legal representation of consumers' individual interests before courts,**  
**Legal representation for consumer collective actions**

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## Consumer Protection Survey

**Q43** Do consumer groups/associations receive public funding? **Yes**

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**Q44** Name the three largest non-governmental consumer organizations/associations in your jurisdiction:

1- Name	<b>Consumers Federation of Australia</b>
1- Website	<b><a href="http://consumersfederation.org.au/">http://consumersfederation.org.au/</a></b>
2- Name	<b>Choice</b>
2- Website	<b><a href="https://www.choice.com.au/">https://www.choice.com.au/</a></b>
3- Name	<b>Consumer Action Law Centre</b>
3- Website	<b><a href="https://consumeraction.org.au/">https://consumeraction.org.au/</a></b>

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**Q45** Can consumers obtain redress through judicial channels? **Yes**

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**Q46** Is there a specialized judicial mechanism for consumer complaints? **No**

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**Q47** If there is, please provide the following details **Respondent skipped this question**

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**Q48** Do you have collective redress/class actions for consumer complaints? **Yes**

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**Q49** Who can represent consumer interests in court? **Consumers individually,  
Lawyers,  
Consumer protection enforcement authority/agency,  
Consumer associations**

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**Q50** What is the highest damages award following a collective redress/class action?

Name of case	<b>ACCC v Allphones Retail Pty Ltd and others</b>
Year of case	<b>2010</b>
Total amount in USD	<b>2100000</b>

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## Consumer Protection Survey

**Q51** Regarding out-of-court/alternative consumer dispute resolution, are there any of the following?

**Mediation/ Conciliation,**

**Arbitration,**

Comments:

Various States and Territories offer conciliation services: ACT - Access Canberra NSW Fair Trading NT Consumer Affairs Qld - Office of Fair Trading Queensland SA Office of Consumer and Business Services (CBS) Tasmania Consumer, Building and Occupational Services (CBOS) Vic - Consumer Affairs Victoria (CAV) WA Consumer Protection - Department Of Mines, Industry Regulation and Safety The States and Territories also operate tribunals, which have lower filing fees and can hear cases from consumers without the formality associated with initiating proceedings in a Court. Victoria – Victorian Civil and Administrative Tribunal (<https://www.vcat.vic.gov.au/>) NSW – New South Wales Civil and Administrative Tribunal (<https://www.ncat.nsw.gov.au/>) Qld – (<https://www.qcat.qld.gov.au/>) SA – Commissioner for Consumer and Business Services (<https://www.cbs.sa.gov.au>) WA – State Administrative Tribunal (<https://www.sat.justice.wa.gov.au/default.aspx>) Tas – Consumer, Building and Occupational Services (<https://www.cbos.tas.gov.au/>) ACT – ACT Civil and Administrative Tribunal ([https://www.accesscanberra.act.gov.au/app/answers/detail/a\\_id/1053/~/\\_act-civil-and-administrative-tribunal](https://www.accesscanberra.act.gov.au/app/answers/detail/a_id/1053/~/_act-civil-and-administrative-tribunal)) NT – NT Consumer Affairs (<https://consumeraffairs.nt.gov.au/>)

**Q52** If there are any of the above, please provide the following details:

1- Name	<b>NSW Fair Trading</b>
1- URL Link	<a href="https://www.fairtrading.nsw.gov.au/">https://www.fairtrading.nsw.gov.au/</a>
2- Name	<b>Consumer Affairs Victoria</b>
2- URL Link	<a href="https://www.consumer.vic.gov.au/">https://www.consumer.vic.gov.au/</a>
3- Name	<b>Office of Fair Trading Queensland</b>
3- URL Link	<a href="https://www.qld.gov.au/law/fair-trading">https://www.qld.gov.au/law/fair-trading</a>

**Q53** Are there any CROSS-BORDER out-of-court/alternative consumer dispute resolution initiatives?

**No**

**Q54** If there are, please provide the following details:

**Respondent skipped this question**

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**Q55** Are there any self-regulation initiatives from businesses?

**Yes**

## Consumer Protection Survey

**Q56** Please provide (up to) 4 examples of the self-regulation initiatives from businesses:

1- Name of initiative	<b>Voluntary codes of conduct</b>
1- Scope of application	<b>Businesses can develop voluntary codes of conduct, introduce certification trade marks (with rules that govern use of the certification trade mark / logo)</b>
1- URL link	<b><a href="https://www.accc.gov.au/business/industry-codes/voluntary-codes">https://www.accc.gov.au/business/industry-codes/voluntary-codes</a></b>

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**Q57** Are there any co-regulation initiatives between businesses and public entities? **Yes**

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**Q58** Please provide (up to) 4 examples of the co-regulation initiatives between businesses and public entities:

1- Name of initiative	<b>Telecommunications Industry Ombudsman</b>
1- Scope of application	<b>Provides free and independent phone and internet complaint services</b>
1- URL link	<b><a href="https://www.tio.com.au">https://www.tio.com.au</a></b>
2- Name of initiative	<b>Australian Financial Complaints Authority (AFCA)</b>
2- Scope of application	<b>AFCA a direct role in resolving consumer and small business complaints in relation to financial services.</b>
2- URL link	<b><a href="https://www.afca.org.au/">https://www.afca.org.au/</a></b>

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**Q59** Do self-regulation and/or co-regulation initiatives cover any of the following issues? (Please relate to UNGCP Guideline 11)

**Fair and equitable treatment** ,

**Responsible commercial behaviour** ,

**Disclosure of information and transparency** ,

**Education and awareness-raising** ,

**Protection of privacy** ,

**Consumer complaints and disputes**

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## Consumer Protection Survey

**Q60** What kind and how many international cooperation agreement(s) on consumer protection does your authority/agency participate in?

	Bilateral	Multilateral/Regional
Formal (treaties)	9	2
Informal (memoranda of understanding)	10+	4

**Q61** Please provide name and URL link of formal bilateral agreements (treaties):

<https://dfat.gov.au/trade/agreements/pages/trade-agreements.aspx>

<https://www.accc.gov.au/about-us/international-relations/treaties-agreements>

Australia-New Zealand (ANZCERTA or CER) — 1 January 1983

Singapore-Australia (SAFTA) — 28 July 2003

Australia-United States (AUSFTA) — 1 January 2005

Thailand-Australia (TAFTA) — 1 January 2005

Australia-Chile (ACI-FTA) — 6 March 2009

Malaysia-Australia (MAFTA) — 1 January 2013

Korea-Australia (KAFTA) — 12 December 2014

Japan-Australia (JAEPA) — 15 January 2015

China-Australia (ChAFTA) — 20 December 2015

## Consumer Protection Survey

**Q62** Please provide name and URL link of informal bilateral agreements (memoranda of understanding):

<https://www.accc.gov.au/about-us/international-relations/treaties-agreements>

China: Memorandum of understanding between the State Administration for Industry and Commerce of the PRC and the ACCC

Chinese Taipei: Cooperation and coordination arrangement between the Taipei Economic and Cultural Office and the Australian Commerce and Industry Office regarding the application of competition and fair trading laws

Fiji: Memorandum of understanding between the Commerce Commission of the Fiji Islands and the ACCC

India: Memorandum of understanding between the Competition Commission of India and the ACCC

Japan: Cooperation arrangement between the Australian Competition and Consumer Commission and the Fair Trade Commission of Japan

Republic of Korea: Cooperation agreement between the Australian Competition and Consumer Commission and the Fair Trade Commission of Republic of Korea , regarding the application of their competition and consumer protection laws

New Zealand: Cooperation arrangement between the New Zealand Commerce Commission and the ACCC – April 2013

New Zealand: Cooperation arrangement between the New Zealand Commerce Commission and the ACCC – July 2007

New Zealand: Trade Practices Commission and New Zealand Commerce Commission cooperation and coordination agreement

Papua New Guinea: ACCC and the Consumer Affairs Council of Papua New Guinea cooperation and coordination agreement

USA: ACCC and the US Federal Trade Commission mutual enforcement assistance in consumer protection matters agreement

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**Q63** Please provide name and URL link of formal multilateral/regionals agreements (treaties) that address consumer protection:

Internationally - <https://dfat.gov.au/trade/agreements/pages/trade-agreements.aspx>

<https://www.accc.gov.au/about-us/international-relations/treaties-agreements>

ASEAN-Australia-New Zealand (AANZFTA) — 1 January 2010 for eight countries: Australia, New Zealand, Brunei, Burma, Malaysia, the Philippines, Singapore and Vietnam. For Thailand: 12 March 2010. For Laos: 1 January 2011. For Cambodia: 4 January 2011. For Indonesia: 10 January 2012

Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP) — 30 December 2018

Domestically, jurisdictions within Australia are party to the Intergovernmental Agreement for the Australian Consumer Law  
[http://consumerlaw.gov.au/files/2015/06/acl\\_iga.pdf](http://consumerlaw.gov.au/files/2015/06/acl_iga.pdf)

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## Consumer Protection Survey

**Q64** Please provide name and URL link of informal multilateral/regionals agreements (memoranda of understanding) that address consumer protection:

<https://www.accc.gov.au/about-us/international-relations/treaties-agreements>

Canada and New Zealand: Cooperation agreement between the Canadian Competition Bureau, the Australian Competition and Consumer Commission and the New Zealand Commerce Commission regarding the application of their competition and consumer laws

European Commission: Arrangement for information sharing on consumer policy and protection between the Government of Australia and the European Commission

New Zealand and Chinese Taipei: Cooperation agreement between the Australian Competition and Consumer Commission, the New Zealand Commerce Commission and the Taiwan Fair Trade Commission regarding the application of their competition and fair trading laws

New Zealand and United Kingdom: Cooperation agreement between the Australian Competition and Consumer Commission, the New Zealand Commerce Commission and UK Secretary of State and Industry and the UK OFT regarding the application of their competition and consumer laws

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## Consumer Protection Survey

**Q65** Do cooperation agreements on consumer protection (be those formal/informal/bilateral/regional) cover any of the following fields?

Judicial cooperation,  
Policy making,  
Enforcement,  
Consumer rights/legitimate needs,  
Access by consumers to essential goods and services ,  
Protection of vulnerable and disadvantaged consumers  
,  
Physical safety,  
Product quality,  
Terms and conditions ,  
Promotional marketing and sales practices (including misleading advertisement)  
,  
Voluntary codes for businesses ,  
Restrictive business practices(competition/antitrust),  
Electronic commerce,  
Financial services,  
Promotion of sustainable consumption ,  
Food distribution,  
Water,  
Pharmaceuticals,  
Energy,  
Public utilities,  
Tourism,  
Data protection and privacy ,  
Dispute resolution,  
Redress,  
Consumer education,  
Consumer information

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## Consumer Protection Survey

**Q66** Does your consumer protection enforcement authority/agency have any of the following powers regarding cross-border fraudulent and deceptive commercial practices affecting consumers?

**Investigate,**

**Pursue,**

**Obtain ,  
redress**

**Share information and  
evidence ,**

Other (please  
specify):

The Australian Consumer Law can be applied to overseas traders selling into Australia.

**Q67** Do you have any experience in cross-border cooperation on enforcement?

**No**

**Q68** If you do, please provide a short description

**Respondent skipped this question**

**Q69** Do you engage in technical cooperation or capacity building activities on consumer protection?

**Respondent skipped this question**

**Q70** If you have engaged in technical cooperation or capacity building activities on consumer protection as a recipient/as donor and/or through an international organization/network, please provide the following details for each initiative

**Respondent skipped this question**

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**Q71** Does your authority/agency carry out information and education initiatives?

**Yes**

**Q72** Do information and education initiatives carried out by your authority/agency cover any of the following fields?

**Product hazard,**

**Product labelling,**

**Legislation, dispute resolution,**

**Weight and measures, prices and  
quality ,**

**Electronic commerce**

**Q73** Does your authority/agency provide specific education and information initiatives for vulnerable and disadvantaged consumers?

**Yes**

## Consumer Protection Survey

**Q74** If your authority/agency does, please provide the following details:

1- Name of initiative	<b>Targeted education campaign</b>
1- Scope of initiative	<b>Consumers with disability</b>
1- URL link	<b><a href="https://www.accc.gov.au/focus-areas/information-for/consumers-with-disability">https://www.accc.gov.au/focus-areas/information-for/consumers-with-disability</a></b>
2- Name of initiative	<b>Targeted education campaign</b>
2- Scope of initiative	<b>Indigenous consumers</b>
2- URL link	<b><a href="https://www.accc.gov.au/focus-areas/information-for/indigenous-consumers">https://www.accc.gov.au/focus-areas/information-for/indigenous-consumers</a></b>
3- Name of initiative	<b>Targeted education campaign</b>
3- Scope of initiative	<b>Consumers from non-English speaking background</b>
3- URL link	<b><a href="https://www.accc.gov.au/focus-areas/information-for/non-english-speaking-background">https://www.accc.gov.au/focus-areas/information-for/non-english-speaking-background</a></b>

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**Q75** Do consumer organizations/associations provide education and information initiatives? **Yes**

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**Q76** If consumer organizations/associations do, please provide the following details:

1- Name of consumer organization/association	<b>Choice - Choice magazine</b>
1- URL link of initiative	<b><a href="https://www.choice.com.au">https://www.choice.com.au</a></b>

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**Q77** Does your authority/agency conduct research and analysis on consumer protection issues? **Yes**

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**Q78** If your authority/agency does, please provide the following details:

1- Main area of work	<b>Treasury releases a range of consultation papers</b>
1- URL link to online library or publication(s)	<b><a href="http://www.treasury.gov.au/consultation">http://www.treasury.gov.au/consultation</a></b>

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**Q79** Do other organizations/associations conduct research and analysis on consumer protection? **Yes**

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## Consumer Protection Survey

**Q80** If other organizations/associations do, please provide the following details:

1- Main area of work	<b>ACCC conducts market studies</b>
1- URL link to online library or publication(s)	<b><a href="https://www.accc.gov.au/focus-areas/market-studies">https://www.accc.gov.au/focus-areas/market-studies</a></b>
2- Main area of work	<b>ACCC conducts inquiries</b>
2- URL link to online library or publication(s)	<b><a href="https://www.accc.gov.au/focus-areas/inquiries">https://www.accc.gov.au/focus-areas/inquiries</a></b>
3- Main area of work	<b>Consumer Policy Research Centre</b>
3- URL link to online library or publication(s)	<b><a href="https://cprc.org.au/publications/">https://cprc.org.au/publications/</a></b>
4- Main area of work	<b>Consumer Action Law Centre</b>
4- URL link to online library or publication(s)	<b><a href="https://consumeraction.org.au/reports/">https://consumeraction.org.au/reports/</a></b>

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