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18 November 2016

Rod Stowe
Commissioner, NSW Fair Trading
Chair, CDRAC
By email

Dear Commissioner Stowe

Thank you for CDRAC's earlier response to our request for information on the activities of the ACL regulators, and agreement that we can publish the response.

As foreshadowed, there are a few further items on which we seek your assistance.

Questions

First, can you indicate how many interim bans and compulsory recalls the different States and Territories have imposed under the ACL each year since its commencement in 2011? We are aware of the three interim bans mentioned in your earlier response to our information request, but can you indicate whether there have been other interim bans and compulsory recalls and, if so, how many each State or Territory has imposed? (We would prefer data back to 2011 but, if that is difficult, data for the last three years would suffice).

Second, we have compiled a list of the performance indicators reported by the different ACL regulators (see attachment A). This has been compiled by scanning the websites and annual reports of the regulators and/or their parent bodies, but it is possible that we have missed some indicators. Can you consult with your ACL colleagues and let us know of any errors or omissions?

Third, in the earlier response, you provided a list of all the legislation and regulations the State and Territory regulators have responsibility for administering. Western Australia reported the largest number of Acts, but it is likely to be because the listing was for the Department of Commerce, rather than the specific consumer protection area within the department. Accordingly, we have examined the Acts and made a preliminary assessment of those that relate to broader functions, as distinct from those that relate to consumer protection (whether under the ACL or other legislation). That assessment is in attachment B. Could you liaise with Western Australia and seek their feedback on our assessment? (If it is easier, we could contact Western Australia on this matter directly).

Timing

I expect that these matters should not require significant time or resources to address. In view of our timeframes, I am seeking a response by next Friday, 25 November.

Also, if it is possible to provide an earlier response to the first question, that would be most helpful.

Please let me know if these timelines are problematic.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Tom Nankivell', with a large, sweeping flourish at the end.

Tom Nankivell
Study Manager
Consumer Law Enforcement and Administration
Productivity Commission