



19 August 2021

Australian Competition and Consumer Commission
Digital Monitoring

Via email: digitalmonitoring@acc.gov.au

Re: ACCC Digital Platform Services Inquiry –Report on general online retail marketplaces

The Australian Communications Consumer Action Network (ACCAN) thanks the Australian Competition and Consumer Commission (ACCC) for the opportunity to comment on the General Online Retail Marketplace Issues Paper.

ACCAN is the peak body for all consumers on communications issues and provides a unified voice to industry and government to ensure communications services are trusted, inclusive, accessible and available for all in Australia.

ACCAN is keenly following the scope of the ACCC's Digital Platforms activities as there are clear implications, both positive and negative, for consumers in many of these areas under review. Unarguably, the increased convergence of digital technologies can provide significant benefits for both individuals and the broader community when the appropriate competition and consumer protections are in place. ACCAN is supportive of competitive and efficient markets that provide consumers choice and confidence. As such we are keen to see that online retail markets can be confidently and safely used by consumers.

ACCAN's submission to the 2019 Treasury consultation concerning the implementation of the Australian Competition and Consumer Commission's Inquiry into Digital Platforms highlighted several recommendations that, if implemented, would provide greater competition, innovation and consumer protections when engaging with digital platform services.¹ Furthermore, ACCAN has raised concerns that there is no Australian consumer organisation representing the interests of consumers in the ever-expanding digital platform environment². ACCAN therefore proposes the following recommendation.

Recommendation 1. ACCAN recommends that consumer representation be adequately funded to ensure that the consumer voice is appropriately resourced to participate in all discussions regarding digital platform services and consumer protections and safeguards.

¹ ACCAN, (2019). Submission to Treasury's implementation of the recommendations of the ACCC's Digital Platforms Inquiry <https://accan.org.au/our-work/submissions/1672-treasury-consultation-acc-dpi-final-report>

² ACCAN, (2021). Submission to the Government's Media Reform Green Paper <https://accan.org.au/our-work/submissions/1854-media-reform-green-paper>

While much of the discussion paper focuses on the relationship between online marketplaces and sellers, ACCAN makes the following comments to the discussion paper questions which fall into ACCAN's area of expertise.

Acknowledging the increased take-up of online shopping, accelerated by the current COVID-19 pandemic, ACCAN is keenly aware of the potential for consumer harm from an unregulated marketplace. While online retail services provide consumer convenience there is significant evidence noting the risks, both physical and digital to unwitting consumers. ACCAN is encouraged by the online marketplace take-up of the ACCC's Australian Product Safety Pledge.

However, ACCAN continues to have concerns about the potential misuse of consumer information – data collection, data security and privacy, made possible from this increased uptake of online retail marketplaces. ACCAN is aware of research indicating that many consumers find terms and conditions, warranty and complaints mechanisms complicated and difficult to understand.³ This inability to understand the possible implications of data harvesting, price discrimination or on-selling of consumer information leaves many consumers vulnerable to harm. Clear and unambiguous terms and conditions as well as clear information about consumer data information is needed to ensure that consumers can use these online marketplaces safely and confidently. As such, ACCAN recommends that there be effective consumer education available and that there be a standardised set of Terms and Conditions in plain English made available on all online marketplaces.

Recommendation 2. ACCAN recommends that there be a standardised set of Terms and Conditions in plain English made available on all online retail marketplaces.

Recommendation 3. ACCAN recommends that an effective consumer education campaign be undertaken to inform Australian consumers about their rights when using online retail marketplaces.

Thank you for considering ACCAN's position on this important issue. Should you wish to discuss this submission further please do not hesitate to get in contact.

Yours sincerely,

Wayne Hawkins
Director of Inclusion

³ Deloitte, (2020). Opting-in to meaningful consent
<https://www2.deloitte.com/content/dam/Deloitte/au/Documents/risk/deloitte-au-risk-australian-privacy-index-2020.pdf>