



Law Council  
OF AUSTRALIA

*Business Law Section*

11 June 2021

Consumer Policy Unit  
Market Conduct Division  
Treasury  
Langton Cres  
Parkes ACT 2600

By email: [Consumerlaw@treasury.gov.au](mailto:Consumerlaw@treasury.gov.au)

Dear Sir/Madam,

### Competition and Consumer (Industry Codes - Unit Pricing) Regulations 2021

1. The Competition and Consumer Committee of the Business Law Section of the Law Council of Australia (the **Committee**) is pleased to make the following submission to the Competition and Consumer (Industry Codes - Unit Pricing) Regulations 2021 consultation.
2. The Committee makes two points in respect of the Unit Pricing Regulations.
3. First, the definition of **online grocery retailer** is “a person that sells, using the internet, the minimum range of food-based grocery items to consumers”. In our view, “the minimum range of” should be dispensed with for two reasons.
  - (a) Purchasers in an online context do not have the ability to see the item or its packaging in three dimensions nor obtain a sense of its scale.
  - (b) It is generally an easier exercise to ensure that online offerings include unit pricing in the displayed product information, than it would be for physical offerings.

In our view it should not be necessary for an online retailer to offer the full range of items included in the definition of **minimum range of food-based grocery items** before they are required to display unit pricing information.

4. Second, the word “*prescribed*” in paragraph (b) of the definition of **food-based grocery item** should be omitted. Otherwise, the definition of **prescribed grocery retailer** becomes circular, as it refers to three grocery retailer definitions that have as a requirement the retailing of **food-based grocery items**.
5. The Committee would be pleased to discuss this submission, if that would be helpful. Please contact Committee Member Philip Argy at [pargy@argystar.com](mailto:pargy@argystar.com), in the first instance if you require further information or clarification.

Yours faithfully

**Greg Rodgers**  
Chair, Business Law Section

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