



Commonwealth Director of Public Prosecutions

A.C.C.C AND C.D.P.P. OUTLINE ARRANGEMENTS FOR CARTEL CONDUCT IMMUNITY

In response to the Government's proposal to amend the *Trade Practices Act 1974* and criminalise cartel conduct in Australia, the Australian Competition and Consumer Commission and Commonwealth Director of Public Prosecutions have today issued the final Memorandum of Understanding between the agencies.

The MOU outlines the roles each agency will play from investigation of the cartel conduct by the ACCC through to prosecution, as well as the principles that will guide dealings between the agencies in criminal cartel matters. It is proposed that the MOU will be signed after amendments to the Act receive Royal Assent and before the commencement of the new offences.

The ACCC has issued its revised Immunity Policy and Guidelines that will apply to applications for immunity from cartel conduct under the proposed civil provisions.

"Changes to the immunity policy and guidelines have been made in a way that incorporates amendments necessary in the proposed criminal cartel environment whilst continuing to maintain certainty for potential immunity applicants, one of the cornerstones of the ACCC's immunity program," ACCC Chairman, Mr Graeme Samuel, said today.

"The introduction of jail terms for individuals involved in cartel conduct means that not only should companies fear their competitors reporting their involvement to the ACCC, but their own employees and former employees as they can avoid jail by reporting their involvement in cartel conduct to the ACCC under the immunity policy."

The CDPP has issued its Annexure to the *Prosecution Policy of the Commonwealth*, which outlines the policy of the CDPP in considering an application for immunity from prosecution by a person implicated in a serious cartel offence. The CDPP will apply the same criteria as the ACCC when considering a recommendation by the ACCC that an applicant be granted immunity.

As foreshadowed as early as 2005, the Annexure will ensure consistency in the handling and operation of each agency's policies that deal with immunity from cartel conduct and continued provision of upfront immunity.

These publications will be available from the ACCC website at <http://www.accc.gov.au/content/index.phtml/itemId/706268>

For **media inquiries** to the ACCC Chairman, Mr Graeme Samuel, please call Ms Lin Enright, ACCC Media, on (02) 6243 1108 or 0414 613 520.

For **general ACCC inquiries**, please call the Infocentre: 1300 302 502.

For **CDPP inquiries** please call Ms Kathy Medved on (02) 6206 5606.

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