



Australian  
Competition &  
Consumer  
Commission

GPO Box 3131  
Canberra ACT 2601

23 Marcus Clarke Street  
Canberra ACT 2601

tel: (02) 6243 1111  
fax: (02) 6243 1199

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

Dear,

**RE: Cartel conduct – do you know the risks?**

I am writing to bring your attention to the cartel provisions of the *Competition and Consumer Act 2010* (the Act). The ACCC is the statutory authority responsible for detecting, disrupting and deterring cartels. It is extremely important that all businesses and individual officers are aware of the risks and consequences of cartels between competitors. In brief, a cartel exists when competitors agree to fix prices, rig bids, share markets or restrict supply or output. For more details and examples please refer to the enclosed fact sheet and our online publications.

The Act provides significant criminal sanctions for both corporations and individuals involved in serious cartel conduct. These include imprisonment for up to ten years per criminal offence for individuals that make and execute such agreements. There are also substantial pecuniary penalties for civil contraventions, as has been the case for many years. Such penalties can be up to \$10 million per contravention for corporations (even more in some circumstances) and up to \$500,000 for individuals.

The ACCC takes cartel conduct very seriously and will not hesitate to launch a criminal investigation if warranted. We now have additional tools for such investigations, including enhanced powers regarding search warrants and the ability to seek telephone interception and surveillance device warrants.

Not only do you need to ensure you and your company do not become involved in such conduct, but you should also guard against cartels that may target your purchasing budget.

If you think you or your business could be involved in a cartel, I urge you to familiarise yourself with the ACCC's Immunity Policy and immediately seek legal advice. Immunity is available for businesses and individuals who have been involved in a cartel and are **first** to then report their involvement to the ACCC.

The ACCC has made a range of educational material available to all Australian businesses. For more comprehensive information, I would strongly encourage you to visit our dedicated web page [www.accc.gov.au/cartels](http://www.accc.gov.au/cartels) and subscribe to the Cartel Information Network to receive important updates.

Should you require further information or wish to report suspicious conduct, please visit our website for details and call our Infocentre on 1300 302 502. If you wish to report your involvement in a cartel and apply for immunity, you may call me on 02 9230 3894. Please note this is only for immunity applications.

Yours sincerely

Marcus Bezzi  
Executive General Manager  
Enforcement and Compliance