



COOPERATION AGREEMENT

Parties

1. This cooperation agreement is entered into by:
 - a. the Australian Competition and Consumer Commission (**ACCC**), an independent, Commonwealth statutory authority established under section 6A of the *Competition and Consumer Act 2010* (**CCA**); and
 - b. [Company name ACN XXX XXX XXX (**Name**), company description] of [company registered address],
(together, **the parties**).

Recitals

2. [Name] hereby:
 - a. declares that it understands its obligations under the *ACCC immunity and cooperation policy for cartel conduct October 2019* (**Immunity Policy**);
 - b. understands that any grant of conditional immunity for cartel conduct under the Immunity Policy will be conditional upon and will depend upon it satisfying, and continuing to satisfy, its obligations under the Immunity Policy and in this agreement;
 - c. understands that nothing in this agreement derogates from the ACCC's right to revoke its conditional civil immunity under Section F of the Immunity Policy should it breach the terms of this agreement or the conditions outlined in the Immunity Policy.

Conditions of obtaining and maintaining immunity

3. [Name] agrees:
 - a. to comply with the specific initial requirements of cooperation on or before the dates specified in the timetable set out in **Schedule 1** to this agreement; and
 - b. to comply with additional requirements of cooperation set out in writing by the ACCC from time to time,

during the course of the ACCC's investigation and any ensuing court proceedings, unless otherwise agreed in writing by the ACCC.

4. The ACCC agrees that upon [Name] disclosing information sufficient to satisfy the ACCC that it meets the criteria for conditional immunity in paragraph 23 [for corporations] of the Immunity Policy it will be granted conditional immunity.

Cessation of this cooperation agreement

5. This cooperation agreement shall cease on the occurrence of the earlier of:
 - a. the ACCC informing [Name] that it will not be granted conditional immunity;
 - b. the withdrawal of the immunity application by [Name];
 - c. the revocation of any conditional immunity offered to [Name]; or
 - d. the grant of final immunity to [Name].

TEMPLATE

Execution

Executed by [Company name ACN XXX XXX XXX] pursuant to section 127(1) of the *Corporations Act 2001* by:

.....
Signature of director

.....
Signature of a director/company secretary
[Delete as appropriate, or entire column if
sole director company]

.....
Name of director (print)

.....
Name of director/company secretary (print)

.....
Date

.....
Date

Accepted by the Australian Competition and Consumer Commission on:

.....
Date

Signed on behalf of the Australian Competition and Consumer Commission:

.....
General Manager – Cartels Branch

.....
Date

Schedule 1

Timetable for initial cooperation

[These are examples of the type and level of cooperation that may be required, but this is not an exhaustive list.]

Action	Due date
(a) [Name] to provide to the ACCC all evidence and information in its possession or available to it, wherever located, regarding the cartel conduct for the duration of the investigation and any subsequent court proceedings [or specified documents and/or information].	
(b) [Name] to preserve, and assist the ACCC to retrieve, all information related to the conduct and/or relevant to the ACCC's investigation, including preservation of, access to, and assistance with, all IT systems and equipment under [Name's] power or control	
(c) [Name] to procure the assistance and cooperation of [Individual X] to attend an interview at the ACCC's [insert] office.	
(d) [Name] to procure the assistance and cooperation of [Individual X] to attend an interview at the ACCC's [insert] office for the purpose of providing the ACCC with a statement in writing regarding their knowledge of, and participation in, the cartel conduct subject of [Name's] application for immunity.	
(e) [to be inserted on a case-by-case basis]	