

Leniency policy a hot topic at conference

A major issue discussed at the ACCC's upcoming law enforcement conference was its policy of cooperation and leniency.

The ACCC's leniency policy is attracting great interest in light of the current high profile investigation into Australian oil companies and the recent court decision awarding nearly \$15 million penalties against several manufacturers of electrical transformers. The conference was held at The Regent Hotel in Sydney from 4–5 July. Speakers include Mr Jim Griffin, Deputy Assistant Attorney General from the United States Department of Justice, Mr Adrian Walker Smith, Director of Cartel Investigations at the United Kingdom Office of Fair Trading, and Mr Fred Brenchley from *The Bulletin*.

On the first day, the international speakers drew on their own experience in developing and managing a leniency policy, and on the second, addressed the issue of criminal penalties for hard core collusion.

Other speakers included Australian experts in the fields of competition and consumer protection law enforcement, such as:

Louise Castle,
Allens Arthur Robinson

Louise Sylvan,
Australian Consumers Association

Peter Cashman,
Maurice Blackburn Cashman

Damien Bugg QC,
Director of Public Prosecutions

Peter Armitage,
Law Council of Australia

Bret Walker SC,
NSW Bar Association

Michael Potter,
Council of Small Business Organisations
of Australia

Allan Myers QC

Liza Carver,
Gilbert and Tobin

John Kench,
Blake Dawson Waldron

Michael Corrigan,
Clayton Utz

Christopher Hodgekiss,
NSW Bar Association

Don Davies,
Phillips Fox

The role of practitioners was discussed at the conference with Allan Myers presenting a paper on the distinction between public enforcement and private enforcement; Peter Cashman highlighting developments in consumer protection litigation and offering tips for practitioners; and various speakers presenting their own perspectives on ACCC reform proposals.

Mr Fred Brenchley from *The Bulletin* reviewed the community and media viewpoints.

To balance these views, the ACCC Chairman, Professor Allan Fels, explained how the ACCC sets its own priorities in enforcement work, and its litigation trends. The conference also gave participants the opportunity to hear first-hand the ACCC's proposals for a criminal regime for hard-core collusion and cartels.

ACCC Commissioner, Sitesh Bhojani, outlined a more comprehensive leniency policy for Australian competition law enforcement.

The conference is a unique opportunity for corporate lawyers, compliance professionals and trade practices lawyers, to hear and discuss the outcomes, trends and developments in the enforcement of Australian, US and UK competition and consumer protection laws.

Conference papers will be available on the website from the end of July <<http://www.accc.gov.au>>.