

AUSTRALIA

[Please introduce here the name of
your country]

COMPETITION FRAMEWORK

Competition Law	<p>Competition and Consumer Act 2010, previously named the Trade Practices Act (1974-2010).</p> <ul style="list-style-type: none"> - The name officially changed on January 1 2011. - The competition law is contained in Part IV of the Competition and Consumer Act 2010 (CCA) <p><i>[Please Introduce the name of the laws constituting the National Competition Law Regime. Include the year of enactment and the corresponding amendments as well]</i></p>
Competition Authority	<p>Australian Competition and Consumer Commission (ACCC) It was established by the merger of the Trade Practices Commission (TPC) and Prices Surveillance Authority (PSA) in 1995 which occurred through parliamentary amendments to the Trade Practices Act 1974 (TPA 1974), now replaced by the Competition and Consumer Act 2010 (CCA) Part 2, Section 1 of the Act establishes the ACCC Website: https://www.accc.gov.au/</p> <p>Australian Energy Regulator Part IIIAA, Division 2 of the Competition and Consumer Act 2010 contemplates the establishment of the regulator The AER regulates electricity networks and natural gas pipelines by setting the maximum amount of revenue they can earn from consumers. The AER shares staff, resources and facilities with the ACCC. It operates within a legislative and regulatory framework for Australia's energy markets Website: https://www.aer.gov.au/about/aer/our-role</p> <p><i>[Please introduce here the name of the competition authorities that are part of the enforcement process of the laws mentioned in the previous question. In that regard, please specify the norms that established those agencies, the year in which they started operation, and their website. Include tribunals only if they have a role in the process of founding guilt and imposing sanctions. This point specifically excludes judicial authorities that only have judicial review powers]</i></p>

POLICY-MAKING AGENTS

-DIVERSIFICATION-

How many agencies are responsible for competition enforcement?	<p>The Australian Competition and Consumer Commission (ACCC) is the independent government agency responsible for enforcing the Competition and Consumer Act in Australia.</p> <p>It is in charge of ensuring fair play in Australian markets. It enforces laws on competition, consumer rights, product safety, and infrastructure, as well as performing research on how markets function.</p> <p>It has extensive powers to investigate, regulate and prosecute breaches of competition law. The ACCC does not directly impose penalties but can make submissions to the Court regarding the appropriate amount of penalty they consider should be imposed.</p> <p><i>[Please mention how many authorities have a general mandate to enforce competition in your jurisdiction. Include a brief reference on their duties e.g.: if they impose criminal, civil or administrative liability. The purpose is that readers can quickly understand, which are the agencies charged with competition enforcement in the jurisdiction, the difference between them, and if they have concurrent, overlapping, or exclusionary authority. Include the relevant provisions on which their powers are based. Exclude in this point sector regulators or enforcers]</i></p>
Do sector regulators have a competition policy enforcement mandate?	<p>The AER is an independent decision making body responsible for regulating wholesale and retail energy markets, and energy networks, under national energy legislation and rules. Its functions and duties are</p>

	<p>established under agreements of the Energy Council.</p> <p><i>[Please introduce the name agencies that have powers to enforce any aspect of competition law, including merger control, in specific sectors. Introduce the relevant provisions on which their powers are based]</i></p>
<p>Have the Competition Authority and other agencies signed protocols or memoranda of understanding with sector regulators?</p>	<p>Memorandum of understanding between the ACCC and the National Competition Council;</p> <p>The ACCC and the National Competition Council confidential information protocol ;</p> <p>Memorandum of understanding between the ACCC, AER and AEMC – 2014).</p> <p><i>[Please mention here any provision or interinstitutional agreement that allows the competition authorities to coordinate behavior to effectively enforce competition law]</i></p>

**DISAGGREGATED FUNCTIONS—
PROSECUTORIAL MODEL**

<p>Are there different authorities or agencies that make the decision to investigate and the final ruling in the cases?</p>	<p><i>[Answer: Yes or No]</i></p> <p style="text-align: center;">Yes</p>	<p>The Australian Competition and Consumer Commission (ACCC) is the primary authority responsible for investigating potential breaches of competition law. The ACCC can gather evidence, issue warnings, and negotiate with businesses to address concerns.</p> <p>The ACCC doesn't directly decide on the final outcome of competition cases. If the ACCC believes a breach has occurred, they may take legal action in the Federal Court of Australia. The court then hears the case and makes the final ruling.</p> <p><i>[If the answer is yes, please explain briefly the enforcement process, and include the relevant provisions. The purpose of this question is to understand the enforcement model of the jurisdiction and establish how many independent authorities are involved in the enforcement process and what are their functions]</i></p>
<p>Are disputes presented for decision to judiciary authorities?</p>	<p><i>[Answer: Yes or No]</i></p> <p style="text-align: center;">Yes</p>	<p>There's also the Australian Competition Tribunal which is a review body that handles appeals of certain ACCC decisions.</p> <p><i>[If the answer to your question is "yes", please introduce the name of the judiciary authorities that are involved and their role until the final decision in the process is achieved; exclude from this question judiciary authorities whose role in the process is the judicial review of administrative decisions]</i></p>
<p>Do private rights of action to challenge competition law infringements exist in your jurisdiction</p>	<p><i>[Answer: Yes or No]</i></p> <p style="text-align: center;">Yes</p>	<p>Under Australia's Competition and Consumer Act (2010), businesses and individuals harmed by breaches in competition law can sue in Federal Court for compensation and other remedies, under section 82 of the CCA. A private party wishing to bring an infringement case can commence a standalone action or a follow-on action</p>

		<p>Under the CCA, proceedings for compensation can be brought against persons “involved in” the contravention as well as against foreign corporations that have engaged in infringing conduct in Australia or, where the conduct takes place overseas, that are carrying on business in Australia (Baker Mackenzie, 2021).</p> <p>The Stand-Alone actions are initiated in the Federal Court after filing an application setting out the relief sought as well as a document with the key facts of the claim.</p> <p><i>[If the answer is “yes”, please explain briefly the process and who are the persons entitled to exercise those rights; mention the relevant provisions]</i></p>
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*** Please fill the next sections for each of the authorities mentioned in the prior sections excluding sector regulators**

AUSTRALIAN COMPETITION AND CONSUMER COMMISSION (ACCC)

STATUS OF THE COMPETITION AUTHORITY

Accountability	Please, answer “Yes” in the boxes of this line if any of the duties on the right column apply to the authority, and “No” if they do not.	Answer with X/√ as it applies		Please, in the boxes of this line mention the relevant provisions in which the obligations are based.
Does the Competition Authority have obligations before the executive?	Yes	X	Obligations to report to the executive on on-going investigations upon request.	<p>The ACCC’s Chairperson meets regularly with the responsible minister or his office to provide updates on activities with significance to the government. The ACCC is accountable to the Treasurer of Australia through an annual report and parliamentary hearings.</p> <p>Even though the ACC establishes the Minister may give the Commission directions connected with the performance of its functions or the exercise of its powers under this Act, those directions cannot be related to part IV of the Act which contemplates Competition.</p> <p><i>[Introduce the relevant provisions]</i></p>
		X	The decisions of the Competition Authority may be vetoed by a ministry or by the executive branch.	<i>[Introduce the relevant provisions]</i>
		√	The authority has to report on an annual basis to the executive.	<p>According to section 29O of the Competition and Consumer Act 2010, an annual report prepared by the Council President must be given to the Minister</p> <p><i>[Introduce the relevant provisions]</i></p>
Does the Competition Authority have obligations before the legislature?	Yes	√	Obligation to publish an annual report on its activities.	<p>According to section 29O of the Competition and Consumer Act 2010, an annual report</p>

				<p>prepared by the Council President must be given to the Minister</p> <p><i>[Introduce the relevant provisions]</i></p>
		√	<p>Obligation to stand before parliament and to respond to congressmen on an annual basis.</p>	<p>The ACCC operates as part of the Australian Government and is accountable to the Australian Parliament, and ultimately to the public, through Treasury portfolio ministers and the parliamentary committee processes.</p> <p><i>[Introduce the relevant provisions]</i></p>
		√	<p>Its activities are monitored by an independent auditor or by oversight committees.</p>	<p>Even Though the Australian Competition and Consumer Commission (ACCC) is an independent Commonwealth statutory authority, an independent auditor makes a report of its financial statements</p> <p><i>[Introduce the relevant provisions]</i></p>
Does the Competition Authority have obligations before the judiciary or independent agencies?	Yes	√	<p>Decisions of the Competition Authority are subject to judicial review.</p>	<p>The Tribunal has power under Part IIIA the CCA to review decisions of the ACCC relating to authorisation, notification and arbitrations relating to essential facilities. Decisions of the Commission are also subject to review by the Federal Court under Commonwealth administrative law principles.</p> <p>Section 44PG of the ACCC gives the Tribunal power to review a decision made by the ACCC relating to the approval of a competitive tender process for government owned facilities.</p> <p>Additionally, the Tribunal is subject to judicial review by the Federal Court of Australia.</p> <p><i>[Aside from the relevant provisions please mention the judicial authority charged with the review]</i></p>
		X	<p>Decisions of the Competition Authority are subject to</p>	

		<p>review or control of an independent authority different from the judiciary? <i>[Aside from the relevant provisions, please mention the authority charged with the review]</i></p> <p>Other obligations/comments: Please introduce any other obligation or comment that you consider relevant.</p> <p>Introduce any comment that you consider relevant regarding the status of accountability of accountability of the competition authority</p>
Independence	Please, answer “Yes” or “No”	
Are the criteria for appointment and removal of the head/board members clear and transparent?	Yes	<p>Sections 8-15 of the Competition and Consumer Act (2010) state the criteria relevant for appointment and removal of the members of the Commission.</p> <p>Section 8 outlines eligibility requirements for board members, meanwhile section 13 establishes that the Governor-General may terminate the appointment of a member of the Commission for misbehavior or physical or mental incapacity.</p> <p><i>[Please introduce the relevant provisions, and if the answer to this question is “no”, explain briefly why in your opinion the criteria are not clear or transparent]</i></p>
Does the executive have powers to decide on specific cases based on public interest?	No	<i>[Please introduce the relevant provisions, and if the answer to the question is “yes”, explain in which cases the executive can decide on public interest bases]</i>
Does the executive retain decision-making powers over the Competition Authority?	No	
Is the Competition Authority obliged to publish reasoned decisions to ensure transparency?	No	<p>Even though the ACCC is not obliged to publish the decisions by any provision in the Competition and Consumer Act (2010) yet every enforcement matter that is dealt with through litigation is made public. According to the official ACCC website, they are made public to guarantee transparency about the actions taken and the reason</p> <p><i>[Please introduce the relevant provisions]</i></p>
Is there a provision of the national budget allocated by law to the Competition Authority to ensure its proper functioning?	Yes	<p>According to the Australian Government's Transparency Portal, “in 2021–22 the ACCC received approximately \$288.9 million in revenue from government, representing a \$21.8 million or 8.2% increase compared with 2020–21, meanwhile in 2022-20223 it received approximately \$297.8 million in revenue from government, representing a \$9.0 million or 3.1% increase compared with 2021–22. (ACCC)</p> <p><i>[Please introduce the relevant provisions and the budget assigned to the authority for the current year and the next if it is already approved]</i></p>
Can the Competition Authority be financed by its own means (notification fees, fines, etc.)?	Yes	<p>According to the ACCC & AER Annual Report 2022-23, the ACCC's 2022–23 administered revenue was \$162.6 million and includes court-imposed fines, penalties and costs.</p> <p>The administered revenue is generated from fines and costs applied by the courts, or by agreement between the Commission and the defendant.</p> <p><i>[Please introduce the relevant provisions and mention the means by which the authority can be financed on its own]</i></p>
GOVERNANCE OF THE COMPETITION AUTHORITY		

<p>Is the Competition Authority governed by a single chairman or by a collegiate body?</p>	<p>Collegiate body</p> <p>The ACCC has a Chair, 2 Deputy Chairs, and 4 Commissioners.</p> <p><i>[Answer "single chairman" if the directive organ of the authority is composed of one person. Answer "collegiate body" if the authority's directive organ is composed of two or more members, regardless if this organ is directed or presided by a chairman or president. Also mention how many board members or directors are part of the Direction Body]</i></p>		
<p>How are the members of the Authority's directive organ chosen?</p>	<p>ACCC Commissioners are statutory officers. Members of the ACCC are appointed by the Governor-General for terms of up to 5 years, after the majority of state and territory jurisdictions support the selection. The people undertaking work for the ACCC and AER are Australian Public Service employees.</p> <p><i>[Please describe the electing process for choosing the members of the directive organ. Include relevant provisions; mention the branch government involved in this process]</i></p>		
<p>Is there a fixed period during which removal is prohibited?</p>	<p>No</p>	<p>There is no provision that states that removal is prohibited, on the contrary there are specific reasons that lead to the removal of members of the ACCC. These are contemplated in Sections 13 and 14 of the Competition and Consumer Act 2010.</p> <p><i>[If your answer is "yes", please introduce the duration of the tenure and the relevant provisions. If the answer is no, please refer if there are specific and restricted grounds under which the members of the Directive body can be removed; mention if they are elected for a term and introduce the relevant provisions]</i></p>	
<p>Is the tenure of the heads renewable?</p>	<p>Yes</p>	<p>According to section 8A, Part II of the Competition and Consumer Act 2010, members of the ACCC are eligible for re-appointment</p> <p><i>[Please, introduce the relevant provisions]</i></p>	
<p>Are the heads required by law to have certain minimum qualifications (degree in law or economics, age, experience)?</p>	<p>Yes</p>	<p>According to section 7 of the Competition and Consumer Act 2010, members of the commission must have knowledge or experience in "industry, commerce, economics, law, public administration or consumer protection"</p> <p><i>[If your answer is "yes", please make reference to the qualifications required by law and the relevant provisions]</i></p>	
<p>ARCHITECTUREA</p>			
<p>Is the Competition Authority a stand-alone agency with an independent physical location or is it part of a bigger entity such as a ministry?</p>	<p>Stand-alone</p>	<p>If your answer is "part of a bigger entity", please explain briefly how the bigger entity is organized.</p>	
<p>POLICY DUTIES</p>			
<p>Does the Competition Authority have an exclusive mandate on competition or multiple mandates?</p>	<p>Yes</p>	<p>✓</p> <p>Answer with X/✓ as it applies</p>	<p>Concurrent consumer protection mandate.</p>
		<p>✓</p> <p>Answer with X/✓ as it applies</p>	<p>Concurrent IP mandate</p> <p>In addition to specific legislation enacted in relation to intellectual property rights, the Competition and Consumer Act (2010) contains the Australian Consumer Law (ACL), which provides additional grounds upon which to protect such rights.</p>
<p>Other mandates: Include any other mandates entrusted to the Competition Authority</p>			

**PORTFOLIO
INSTRUMENTS**

Law Enforcement

<p>Does the Competition Authority have powers to investigate cartels?</p>	<p style="text-align: center;">Yes</p>	<p>Cartel conduct is prohibited under the Competition and Consumer Act (2010), which is why if the ACCC considers there has been a contravention of the CCA, it may commence civil proceedings in the Federal Court of Australia .</p> <p>The ACCC undertakes the primary investigatory function before handing a “brief of evidence” to the CDPP which determines whether to prosecute the matter criminally or not.</p> <p><i>[If the answer is “yes”, please mention the type of liability that the actions of the agency seek: civil, criminal, administrative. Introduce the relevant provisions; briefly explain if the powers of the authority are limited to certain types of cartels and what kind of sanctions can be imposed.]</i></p>
<p>Does the Competition Authority have powers to investigate unilateral Conduct?</p>	<p style="text-align: center;">Yes</p>	<p>Section 46 of the Competition and Consumer Act (2010) prohibits companies with significant market power from acting in ways that unfairly reduce competition.</p> <p>The (ACCC can investigate dominant companies suspected of engaging in anti-competitive practices like predatory pricing, exclusive dealing, etc.</p> <p><i>[If the answer is “yes”, please mention briefly if the competition authority is invested with the power to pursue exploitative and exclusionary effects, also make reference to relevant provisions, the type of liability that the actions of the authority seek, and what kind of sanctions can be imposed.]</i></p>
<p>Does the Competition Authority have the powers to conduct an ex-ante merger review?</p>	<p style="text-align: center;">Yes</p>	<p>Although notification of a merger is voluntary, the ACCC can take action to prevent or unwind a transaction that contravenes section 50 of the Competition and Consumer Act (2010). This means the ACCC can review mergers that have the potential to substantially lessen competition.</p> <p><i>[If the answer is “yes”, please explain briefly the process and which are the remedies that authority can seek or impose and mention the relevant provisions]</i></p>
<p>Is the notification of merger transactions mandatory?</p>	<p style="text-align: center;">No</p>	<p>There are no mandatory pre- or post-merger notification obligations or approval before proceeding with a merger.</p> <p>Despite this, the ACCC’s has proposed to move from a voluntary enforcement model to formal suspensory clearance model, including mandatory notification of mergers</p> <p><i>[If the answer is “yes”, please explain whether all the transactions shall be notified or if there is a threshold; mention relevant provisions]</i></p>
<p>Can the parties close the transaction before the final decision of the Authority (suspensory effect of merger notification)?</p>	<p style="text-align: center;">Yes</p>	<p>Parties need only obtain one clearance or authorisation from one process to proceed with a transaction, and it is open to them to pursue more than one</p> <p>Additionally, Australia's merger control regime is non-suspensory which means that the ACCC doesn't have the automatic power to prevent the closing of a transaction before their final decision.</p> <p><i>[Please mention the relevant provisions and add any explanation that</i></p>

		<i>you deem necessary]</i>
Does the Competition Authority have the power to carry out <i>ex-post</i> merger investigations?	No	<p>The ACCC can review past merger decisions to inform and improve processes and decision making. The ACCC's ex-post reviews currently rely on the voluntary production of information and data by relevant stakeholders.</p> <p>During 2023, the ACCC conducted ex post reviews of three past merger decisions.</p> <p><i>[Please mention relevant provisions]</i></p>
Does the Competition Authority have the power to impose remedies on <i>ex-post</i> merger investigations?	No	<p>The ACCC may accept enforceable undertakings pursuant to section 87B of the CCA, which is why merger parties have incentives to propose enforceable remedies.</p> <p>In order to identify if a remedy is acceptable, the ACCC considers a range of factors including effectiveness of the remedy to address the ACCC's competition concern. According to the Merger Review Guidelines, the ACCC has a stronger preference for structural undertakings over behavioral undertakings because the first are easier to administer, monitor and enforce.</p> <p>Note that the ACCC has no power to block a merger; this power resides solely with the Federal Court of Australia.</p> <p>The Federal Court holds the ultimate authority to grant these remedies, not the ACCC directly.</p> <p><i>[If the answer is yes, please mention the remedies that the Authority can impose; mention relevant provisions]</i></p>
Does the Competition Authority have powers to conduct dawn raids at premises?	Yes	<p>The ACCC has the authority to acquire a legal document, known as a search warrant, granting them permission to enter designated premises and seize documents and objects that fall under the category of evidentiary material outlined within the warrant.</p> <p><i>[If the answer is "yes", please mention whether the dawn raids shall be authorized by a judge, and mention the relevant provisions]</i></p>
Can the Competition Authority investigate <i>ex officio</i> cases?	Yes	<p>The ACCC has the authority to launch investigations without a formal complaint being lodged by an individual or business.</p> <p>If the ACCC has reasons to believe that an individual or a corporation may contravene the CCA, it may issue a notice that compels that individual or corporation to provide relevant information.</p> <p>Section 155 of the CCA confers powers on the ACCC to obtain information, documents and evidence in relation to</p> <p><i>[Please, mention the relevant provisions]</i></p>
Does the Competition Authority have powers to accept leniency applications?	Yes	<p>The ACCC's ACCC immunity and cooperation policy applies ONLY to cartel conduct under Division 1 of Part IV of the CCA (2010).</p> <p>If a party is granted immunity under the Policy for cartel conduct, the applicant (and any party granted derivative immunity) will be entitled to immunity from civil proceedings and/or criminal prosecution. But, the Policy does not apply to parties engaged in a concerted practice,</p>

		<p>and neither do corporations or individuals who have unilaterally attempted to cause others to engage in cartel conduct.</p> <p>The ACCC is responsible for granting civil immunity and the CDPP is responsible for granting criminal immunity.</p> <p>Civil Immunity:</p> <p>Civil immunity is available only for the first eligible party to disclose the cartel conduct.</p> <p>A company can be eligible for immunity if they admit they were in the cartel and it might have broken the law, they are the first company to report the cartel to the ACCC, they cooperate with the ACCC investigation and any court case.</p> <p>The ACCC will not grant conditional immunity if, at the time an application is received, the ACCC is already in possession of evidence</p> <p>Criminal immunity:</p> <p>If the ACCC believes that the applicant satisfies the conditions for immunity under the Policy, it will make a recommendation to the CDPP that immunity from prosecution be granted to the applicant.</p> <p><i>[If the answer is "yes", please mention if there is any limitation for the applicants, what are the benefits, and mention the relevant provisions. Include any commentary that you consider relevant about the leniency program]</i></p>
Does the Competition Authority have powers to accept seek criminal punishment?	Yes	<p>Both civil and criminal penalties are available for contraventions of Part IV of the CCA.</p> <p>Criminal fines and imprisonment for up to 10 years are available for contraventions of the cartel provisions in Division 1 of Part IV of the CCA.</p> <p>The fines can only be imposed by the Federal Court.</p> <p><i>[If the answer is "yes", please mention the different kinds of sanctions that the agency can impose]</i></p>
Advocacy		
Can the Competition Authority issue opinions on draft legislation?	Yes	<p>According to the ACCC Corporate Plan 2022-2023 the ACCC collaborates with the Treasury on policy issues which includes review or policies and changes to the regulatory or legislative framework that the ACCC believes would improve outcomes or reduce compliance costs for business and the community.</p> <p>Section 28 of the CCA (2010) provides the Commission with the function in relation to law reform, research and dissemination of information</p> <p>The ACCC advises the federal government and Australian Parliament in relation to matters impacting consumers.</p> <p>After finishing the studies, the ACCC reports its findings along with a suite of recommendations it considers will be effective to address its findings.</p> <p><i>[if the answer is yes, please specify if there is any kind of limitation to the agency's authority to issue opinions, include relevant provisions]</i></p>

Is the executive and/or the legislature obliged to request the opinion of the Competition Authority when drafting legislation that may impact competition?	No	[If the answer is yes, include relevant provisions]
Rulemaking		
Can the Competition Authority issue guidelines?		<p>✓</p> <p>[Answer with X/ ✓ as it applies]</p> <p>[Guidelines on the calculation of fines]</p> <p>Guidelines on ACCC approach to penalties in competition and consumer law matters</p>
		<p>✓</p> <p>[Answer with X/ ✓ as it applies]</p> <p>[Guidelines on merger control]</p> <p>ACCC Merger Guidelines (2017)</p> <p>ACCC Informal Merger Review Process Guidelines (2013)</p> <p>ACCC Merger Review Process Guidelines (2013)</p> <p>ACCC Merger Authorisation Guidelines (2018)</p> <p>ACCC Gun Jumping Risks for Merger Transactions Guidance (2019)</p>
		<p>✓</p> <p>[Answer with X/ ✓ as it applies]</p> <p>[Guidelines on the economic analysis of abuse of dominance cases]</p> <p>Guidelines on misuse of market power</p>
Can the Competition Authority issue binding regulation on competition?	No	[Please, explain which kind of regulation and mention the relevant provision on which the powers are based]
Research & Reporting		
Can the Competition Authority carry out market studies?	Yes	<p>The ACCC conducts market studies on its own initiative or at the Minister's request. When a study is Ministerial-directed, they are granted the stronger power to compel information and documents from industry players (Section 28 of the CCA (2010))</p> <p>[If the answer is "yes", include relevant provisions]</p>
Can the Competition Authority report to the legislature on the results of market studies?	Yes	<p>The ACCC can publish its market studies to "help inform government, business and consumers, as well as encourage public debate over competition and consumer matters and inform policy consideration" (ACCC, 2024).</p> <p>[If the answer is "yes", include relevant provisions]</p>
DECISION-MAKING FUNCTIONS		
Aggregated Functions		
Does the Competition Authority make the decision to investigate and make guilty findings?	No	[If the answer is "yes", include relevant provisions]

Does the Competition Authority impose punishments?	No	<p>The penalties to be imposed in any given matter are solely for the Court to determine, but the ACCC can make submissions to the Court on the appropriate penalty they consider should be imposed.</p> <p>Penalties include:</p> <p>Infringement notice penalties; Pecuniary penalties for failure to comply with statutory notices.</p> <p>Civil punishments: Section 76(1B) CCA foresees a maximum pecuniary penalty for individuals of AUD 500 000; and Section 77A CCA sets out that corporations are prohibited from indemnifying, directly or indirectly, their officers, employees or agents against the imposition of pecuniary penalties upon such officers, employees or agents</p> <p>Criminal Sanctions: Under section 79 of the CCA criminal sanctions are contemplated for cartel offenses: Corporate fines equivalent to the civil pecuniary penalties applicable to cartel prohibitions. A maximum 10-year jail sentence, a pecuniary penalty not exceeding 2,000 penalty units for individual offenders, or both.</p> <p><i>[If the answer is "yes", please mention the different kinds of sanctions that the agency can impose]</i></p>
Is there a single body that carries out the investigation and the guilty findings within the Competition Authority?	No	<p>The process can begin with a complaint filed by a business or individual, or the ACCC itself can initiate an investigation based on suspicion of a breach.</p> <p>Then the ACCC gathers evidence and decides whether to take no further action, to issue a warning letter outlining the concerns of a breach or initiate a court proceeding.</p> <p>If it goes to court, the ACCC presents its case. The court then issues a final decision, either finding a breach and imposing sanction or dismissing the case</p> <p><i>[Regardless of the answer please explain briefly the enforcement process until the final decision is issued, include relevant provisions, and if the answer is "No" mention how the head of the body that carries out the investigation is elected and removed. The main idea of this last point is to establish whether the investigation authority is, in fact, independent from the decision-making body]</i></p>
Can the Competition Authority's decisions be appealed to a court?	Yes	<p>The ACCC does not directly decide yet first instance decisions of the Federal Court can be appealed to the Full Federal Court, additionally, some of the decisions relating to grants of immunity and arbitration decisions involving access to essential facilities, can be appealed to the Australian Competition Tribunal.</p> <p><i>[Please, mention the judicial authority who is charged with the review, make reference to the relevant provisions, and if there is any requirement to exercise the right of the judicial review.]</i></p>
Please add commentaries or information that you consider relevant and were not covered in any of the previous sections and questions.		