



CLIPPINGS

Welcome to the first edition of CLIPPINGS!

Through CLIPPINGS, we will aim to keep you and your teams up-to-date with the many and varied activities that are taking place across ASEAN with support from the **Competition Law Implementation Program (CLIP)**.

We know you are busy shaping the rules and institutions that will govern competition in our region now and into the future. We will focus on what's important...the people, places and latest news for ASEAN, Australia and New Zealand competition officials.

It's an exciting time to be working on competition in our region! New laws are coming into effect and institutions created. It's time to identify the 'champions' who will build interest and understanding of the law. It's also time to invest in developing the people who will lead competition and *make markets work better!*

We very much value the diverse experiences and commitment to learn of those individuals we have met since CLIP activities began in October 2014. We will use this newsletter to profile these 'CLIP alumni' and the work that they do. To get the ball rolling we have included some background on us, the CLIP team. We love the work that we do and we are excited to be taking CLIP to a second phase.

We hope that you will enjoy this first edition. We also encourage you to let us know what you want to hear more (or less) about and how we can best support you and your country to build competition enforcement capacity in the region.

Julie Glasgow

Australian Competition and Consumer Commission (ACCC)

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ASEAN-Australia-New Zealand Free Trade Area (AANZFTA)
Economic Cooperation Support Program (AECSP)

AANZFTA competition agency heads gather



The CLIP team was delighted to work with the Competition Commission of Singapore (CCS) to support the 1st meeting of AANZFTA competition agency heads on 27 May 2016 in the sidelines of this year's **International Competition Network (ICN)** annual meeting in Singapore.

Hosted by Toh Han Li, Chief Executive of the CCS, and Rod Sims, Chairman of the ACCC, the meeting brought together the region's most senior competition officials for a closed door discussion of competition enforcement: opportunities and challenges. This was the first occasion for many to meet new ASEAN colleagues and to take part in an ICN annual meeting.

In chairing the meeting, Anna Wu, Chairperson of the Hong Kong Competition Commission, drew on her own recent experience of setting up a new agency to encourage sharing of views and ideas on what's important when starting out to enforce competition law. Agency heads were candid in their assessments of agency priorities (including capacity building needs) and the constraints they faced in progressing competition in their jurisdictions.

A recurring theme in discussion was the pressing need to build everyday enforcement skills, as well as the importance of garnering political support and funding to grow a competition agency.

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New laws are coming into effect and institutions created.*

CLIP activities: what's on the agenda

JULY

- [E-learning](#) for investigation skills: survey open
- [ASEAN Competition Conference](#), 27-28 July, Bangkok

AUGUST

- CLIP/GIZ Update of the [ASEAN Regional Capacity Building Roadmap](#) to commence
- [Module 1: Cartel Investigations: Workshop for Malaysia & Vietnam](#)
- [Enforcement strategies and concepts: Vietnam](#)
- [MyCC secondment to NZCC](#) to commence

SEPTEMBER/OCTOBER

- [Module 1: Cartel Investigations: Workshop for Indonesia & the Philippines](#)

Train-the-trainer investigations workshop, Malaysia

Recently Dominique from the CLIP team partnered with Adam Jarvis (General Manager of Enforcement for Western Australia and South Australia at the ACCC) and competition law expert Rachel Burgess to customise a train-the-trainer style workshop for colleagues at the Malaysia Competition Commission (MyCC).

The delivery team subsequently spent three days in Kuala Lumpur workshopping human resource development strategies (including ideas for training staff on-the-job) and core content for investigations training. The workshop was attended by 32 participants from the MyCC and sectoral regulators and officials with whom the MyCC interfaces in carrying out its function.

The delivery team was impressed by the sharp-minded and dynamic participation of MyCC staff; and was deeply honoured to have MyCC Chairman Tan Sri Dato' Seri Siti Norma Yaakob and Commissioner Dato' Ahmad Hisham bin Kamaruddin attend parts of the workshop. The delicious Malaysian fare consumed throughout the workshop also made a lasting impression on the delivery team!



MyCC Head of Enforcement, Encik Iskandar Ismail and his team tackle a CLIP workshop activity



Sam (right) Ruben Maximiano from the OECD

CLIP in the ASEAN Secretariat

The ASEAN Secretariat plays a pivotal role in delivering CLIP. It understands and communicates ASEAN priorities, coordinates activities and stakeholder input, delivers on-the-ground support and provides critical guidance based on its “helicopter view” of competition law developments in ASEAN.

It made perfect sense then for CLIP to support the posting of ACCC Senior Investigator, Sam Strudwick-Day, to the ASEAN Secretariat in Jakarta for six months to work with the team responsible for competition policy and law.

Over six months, Sam delivered more than 10 presentations at different workshops and training seminars – some supported by CLIP, others by GIZ or the OECD – on various aspects of competition law and the economics behind it. He also worked to broaden understanding of competition within the ASEAN Secretariat, presenting training sessions that were open to all staff at all levels.

We asked Sam how he found the experience working at the ASEAN Secretariat. Here is his reply –

Amazing! The people are incredibly friendly. I have really enjoyed working with a variety of talented people from a multitude of countries. I was made to feel so welcome.

Sam returned to Sydney on 30 June and, we’re very pleased to report, will be continuing his work with ASEAN in the ACCC’s international team! We thank Sam for all his work in support of CLIP. We also send our sincere thanks to the CCPID team who have been so generous with their time and support for Sam in Jakarta.



e-learning: survey opens

Hello ASEAN competition officials. The CLIP team is constantly looking for ideas and options to provide the best capacity building support for you and your agency.

We want to hear from you on e-learning: have you used e-learning tools in the past; would you use them now; and how would you use them.

The survey opened on 23 June and can be found at: [CLIP e-learning survey](#) until 29 July 2016.

We encourage you to fill out the short survey – it should only take you 10 minutes – and graciously ask that you remind your colleagues to complete the survey as well.

The more information we have, the better we can craft investigation skills training for you and your ASEAN competition colleagues!

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60 seconds with the CLIP team....

We're the small team that believes we have the best jobs in the ACCC!

We get to identify good people doing really interesting work, then support them to work with the clever and committed people that are working on competition policy and law in the region. While there's a lot of work that needs to be done behind the scenes to make this happen, we get a buzz from hearing your stories and receiving your feedback on our CLIP work!

On a more personal note:

Julie has come across to the ACCC from Australia's Department of Foreign Affairs and Trade to work on CLIP. Asia has been the core of Julie's work, study and travel since leaving school. Frosty Canberra winters are not for Julie, and are only survived by consuming large quantities of coffee and dreaming of tropical getaways!

Dominique joined the ACCC international unit in 2013 to help the ACCC forge stronger relationships with competition regulators in Asia. Outside of work she enjoys exploring the great outdoors with her husband, two daughters and (rather rotund) chocolate Labrador, Podge.

Belinda is the most recent CLIP team member, coming across in February from the ACCC's Mergers and Authorisation Division. Belinda's 15 year career in administration at the ACCC has seen her move from the reception desk, to areas such as compliance and adjudication. When Belinda isn't madly working on CLIP activities, she likes to wind down in front of her sewing machine creating beautiful quilts for her friends and family.

Bruce has worked at the ACCC for 16 years in a number of roles and has led the ACCC's international work since 2010. He is currently involved in several Asia focused projects in addition to CLIP, including RCEP competition chapter negotiations and EATOP. When he is not travelling, you will probably find Bruce chasing little yellow balls around a tennis court. Bruce is married with three children and, like Dominique, a chocolate lab(radoodle).

Australia's first criminal cartel charge laid

Following an ACCC investigation, Nippon Yusen Kabushiki Kaisha (NYK), a global shipping company based in Japan, pleaded guilty on 18 July to criminal cartel conduct in Australia's Federal Court.

"This is the first criminal charge laid against a corporation under the criminal cartel provisions of the Competition and Consumer Act," ACCC Chairman Rod Sims said.

"This matter relates to alleged cartel conduct in connection with the transportation of vehicles, including cars, trucks, and buses, to Australia between July 2009 and September 2012," Mr Sims said.

In Australia, for corporations, the maximum fine for each criminal cartel offence will be the greater of:

- AUD10 million;
- three times the total benefits that have been obtained and are reasonably attributable to the commission of the offence;
- if the total value of the benefits cannot be determined, 10% of the corporation's annual turnover connected with Australia.

The ACCC's investigation into other alleged cartel participants is continuing.



From left: Bruce, Belinda, Dominique and Julie

The intricacies of "discovery" in cartel litigation ICN Webinar – 14 September

On 14 September, the ICN Cartel Working Group will be holding a webinar on the effect disclosure/discovery can have on cartel investigations.

The workshop will allow participants to share and hear other agencies' experiences where third parties sought access to evidence and court documents, potentially for the purpose of private enforcement/litigation.

Please contact the CLIP team for more information.