

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE  
COMMONWEALTH DIRECTOR OF PUBLIC PROSECUTIONS

**Question No. 237**

**Senator Ludwig asked the following question at the hearing on 14 February 2006:**

Graeme Samuel, Chairman of the ACCC was quoted as saying: “We have become increasingly concerned at the lack of fairness and honesty in responding to investigations or inquiries by the ACCC. A failure to respond fairly and honestly can invoke a breach of the criminal code, which can invoke jail sentences if the DPP prosecutes”. Is this statement accurate?

**The answer to the honourable senator’s question is as follows:**

It is an offence under section 155(5) of the Trade Practices Act 1974 to knowingly furnish false or misleading information in response to a requirement under section 155 of that Act or to obstruct or hinder an authorised ACCC officer acting in pursuance of section 155(2).

In certain circumstances the giving of false or misleading responses to an ACCC officer may amount to an offence against section 149.1 or section 137.1 of the Commonwealth Criminal Code.