

Cartellists beware – do not wear flash suits or shiny shoes

Brent Fisse

Lawyers and their clients have been active heeding the latest warning by the Chairman of the ACCC about cartel conduct:

"Those involved in anti-competitive behaviour are just like common crooks – they steal from consumers and bully their competitors while wearing flash suits and shiny shoes." (Media Release 25 February 2010)

The resulting output is a spate of new DOs and DON'Ts for trade practices compliance programs.

DOs:

DO dress down if you are going to any location where you may run into sartorial sleuths from the ACCC. Those locations include most of the places worth staying at in Paris and London as well as all the usual local watering holes. Keep your Elvis suit for very private occasions.

DO resist the temptation, strong as it may be, to wear black and white gangster shoes or spats of any colour. And, if you must wear your golf shoes around the city, do remove the spikes.

DO give your shiny shoes to a finishing school (eg Young Liberals, Young Labor) where they can be put to safer use as basic equipment for reflecting what can lurk under a skirt or kilt.

DO think operatically – the ACCC is full of opera buffs. Pour madame, a kimono will make a strong play for sympathy, especially if worn in the company of naval-looking types wearing white suits. A flute can work magic as an accessory.

DO think very carefully about what to wear when discussing an immunity application with the ACCC. Try a rough-tailored hessian outfit with cigarette ash scattered over it. Your hairshirt is best kept in reserve for a subsequent cartel offence.

DON'Ts:

DON'T wear anything that suggests collusion. Hush Puppies are a complete give away.

DON'T get carried away by pirate chic. No eye-patches, puffy shirts, parrots, bandannas, three-cornered hats, velvet coats, over-broad belts or 19th century prosthetic devices.

DON'T display any tattoos. Statistics show that people with tattoos are infinitely regressive and likely to deviate into cartel conduct whenever possible (the meaner the tattoo, the higher the correlation with deviance).

DON'T ignore the impact of your jewellery. Avoid gold earrings and heavy bracelets (gold, silver or electronic). A diamond tip: enforcement agencies are very envious of expensive diamond rings so flush away any worth over \$220,000.

DON'T forget the Al Capone Law: the smarter the dress, the more provoked the Eliot Ness. There is also the Eliot Ness Law: the more the invention of public enemies, the stronger the pressure to pick on easy targets.

Sensible as these designs from leading legal fashion houses may be, it is only a matter of time before more red rags will be worn by some in the business community. It is to be hoped that their conduct will be assessed objectively.

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