


Institute of Quarrying Australia

		IQA Policy P21	
National Secretariat		Competition and Consumer Compliance Protocol	
Policy Number:	P21	Version:	P21-05
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1 INTRODUCTION

In support of IQA's objectives the IQA holds meetings, conferences and industry events at which representatives of the industry and others may be present.

Many of IQA's members are competitors in their industries. The IQA's Board is aware that the conduct of competitors is subject to the Competition and Consumer Act 2010 as amended ("the Act") particularly as it relates to the prohibition of anti-competitive conduct under the 'restrictive competition and consumer compliance' sections of the Act and wishes to ensure that all reasonable steps are taken to minimise the risk that the Act may be infringed by its employees, contractors and members.

The IQA notes that the restrictive competition and consumer compliance provisions of the Act prohibit various anti-competitive practices that limit or prevent competition including:

- Price fixing;
- Anti-competitive agreements (which includes unwritten understandings or arrangements);
- Misuse of market power;
- Predatory pricing;
- Exclusive dealing and third line forcing;
- Resale price maintenance.

Examples of illegal cartel conduct include market sharing, bid rigging, output controls and price fixing.

Further information can be obtained from the Australian Competition and Consumer Commission, www.accc.gov.au or ACCC Infocentre: 1300 302 502.

2 COMPLIANCE POLICY

The IQA, by way of this protocol, wishes to make it clear that its employees, contractors and its members and any non-member, in all their dealings under the auspices of the IQA and whilst representing the IQA or participating in any of the IQA activities or otherwise, **must comply strictly with the letter and spirit of the Competition and Consumer Act 2010.**

3 GENERAL PROTOCOLS

a) Awareness

All Board, Branch, Sub-Branch, Committee, members and non-members and all the IQA employees and contractors are to be made aware of these protocols.

b) Training

It is incumbent on members to ensure that they have received adequate training on compliance with the Act, including periodic refresher courses.

4 MEETING PROTOCOLS

All meetings carried out under the auspices of the IQA must comply with the following protocols:

Institute of Quarrying Australia

- a) Participants must not breach or be involved in, authorise or condone any breach of the Competition and Consumer Act 2010 including any breach by other parties.
- b) All Board, Advisory Council, Branch, Sub-Branch, Committee and CP Board Chairperson are required, at each meeting to draw members' and non-members' attention to this protocol at the start of the meeting.
- c) All meetings must have formal agendas, a signed attendance list and minutes must be taken. Face to face meetings must have accurate signed attendance meeting sheets and virtual meetings must have accurate meeting attendance sheets.

5 AREAS OF RISK

It is expected that individuals be trained concerning their responsibilities under the Act and take individual responsibility for being aware of them. Any discussion between competitors as to price setting, supply to customers or market segments, tendering or output controls is a high risk situation and is likely to be in breach of the Act. The following examples of areas of risk are not intended to be a comprehensive list.

- Failure to draw members' attention to this protocol at the start of the meeting.
- Failure to have accurate signed meeting attendance sheets.
- Failure to write minutes appropriately.
- Failure to read and check minutes.
- Improper side discussions whilst at the meeting.
- People attending meetings as delegates for other people i.e. more junior employees who may not have had appropriate training.
- Inappropriate discussions and agreements.
- Remaining at a meeting or in a discussion if matters that could put you in breach of the Act are raised.
- People not from the industry, such as government officials, seeking to have inappropriate discussions which would impact the members.

6. ACTIONS TO BE TAKEN IN EVENT OF INCIDENT OR SUSPECTED INCIDENT

All incidents or suspected incidents involving the Act, should be treated seriously at the time, acted upon immediately where necessary, contemporaneous notes taken and a report made to the IQA Company Secretary as soon as possible. Failure to do so can place the organisation and the individual at serious risk.

Following are some possible incident types and actions that should be taken:

- If you are at a meeting under the IQA auspices with competitors and matters are raised which you believe may be illegal or doubtful with regard to the Act, make sure that you advise everyone present that you consider the discussion/behaviour inappropriate and may be in breach of the Act. If it continues you should leave the meeting or discussion advising why you are leaving and do so.
- If you are unsure whether the subject is inappropriate or you reflect on it after the meeting, report it to the IQA Company Secretary as soon as possible, to seek advice.
- If on a phone call and your warning is not heeded, terminate the call after telling the other party you do not want to be involved.
- If while representing the IQA in meetings or discussions with other bodies or authorities and matters are raised which might be anti-competitive in nature, you must advise all present that you believe the discussion/behaviour is inappropriate and may be in breach of the Act. If it continues, advise everyone you are leaving the meeting or discussion and do so.
- If you are responsible for preparing any publications or replying to enquiries on behalf of the IQA, you must tell the truth and not engage in misleading or deceptive conduct. If you have any doubts first seek advice from the IQA Company Secretary.

If any of these behaviours are observed make appropriate notes and report the incident to the IQA Company Secretary as soon as possible.

7. ASSISTANCE

If in doubt about these protocols and its application you are encouraged to seek advice from the IQA Company Secretary. If you as a member representative have not received competition and consumer compliance training you should raise this with the IQA's Chief Executive Officer.

Institute of Quarrying Australia

8. RESPONSIBILITY

IQA employees, contractors and its members and non-members, in all their dealings under the auspices of the IQA and whilst representing the IQA or participating in any of the IQA activities or otherwise, **must comply strictly with the letter and spirit of this policy.**

It is the responsibility of the Company Secretary to ensure that this policy is reviewed by the Board on a biennial basis.