



CMEIG Competition and Consumer Protocol

1. INTRODUCTION

The Construction Mining Equipment Industry Group Inc (CMEIG) is an industry body representing the suppliers of construction & mining equipment in Australia.

2. GENERAL PROTOCOLS - Awareness

3. All CMEIG members and the committees are required to:

- a. read and familiarise themselves with these protocols, as may be updated from time to time;
- b. familiarise themselves and comply with the law as it relates to anti-competitive conduct.

All CMEIG committees & sub-committees will be provided with copies of the Protocols and be advised about policy requirement for compliance with these Protocols and the Act.

All CMEIG members are required to ensure that each individual from its organisation who attends a meeting or CMEIG function is aware of these protocols and the prohibitions under the Act.

4. MEETING PROTOCOLS

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

- a. Participants must not attempt to contravene, breach, be involved in, authorise, condone, aid, abet or counsel any breach of the Act by other parties.
- b. If there is any suggestion or possibility that a topic, discussion or activity at a meeting may involve contravention of the law as it relates to anti-competitive conduct, a warning must be given to cease the discussion or activity immediately. If this warning is not heeded, the meeting must be terminated and the matter reported to the CMEIG Chief Executive Officer (CEO).
- c. As a minimum, at the first committee meeting each year and whenever a new member first attends a meeting, the Chairman or Secretary is required to draw the members' attention to this protocol at the start of the meeting.
- d. At the commencement of each meeting, the CMEIG Competition and Consumer Protocol (the Protocol) must be read out by the Chairman or the Secretary.
- e. All meetings must have formal agendas, a signed attendance list and minutes must be taken and approved by all committee members in attendance.

5. AREAS OF RISK

Each member is responsible for communicating the obligations and potential areas of risk to each individual in its organisation who participates in CMEIG events or committee meetings.

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

All incidents or suspected incidents which could involve contravention of the Act should be treated seriously at the time, acted upon immediately where necessary, contemporaneous notes taken and a report made to the CMEIG CEO as soon as possible. Failure to do so can place the organisation and the individual at serious risk.

Guidelines Statement

CMEIG activities are to be conducted in a manner that complies with all laws relating to competition and trade practices. These laws are intended to promote open and fair competition in all commercial endeavours.

Care must be taken to ensure that CMEIG activities do not fall within the categories of unlawful acts established by the courts as 'anti-competitive'. At its broadest, anti-competitive conduct is conduct involving 2 or more competitors which is likely to substantially lessen competition in a market. Specific examples are cartels, price fixing and anti-competitive agreements.

To avoid any circumstances in which comments are made or actions taken which could, or could be perceived to, contravene the law, participants in CMEIG meetings and activities must comply with the following guidelines:

1. Avoid any discussion of current or future prices, market conditions, customer bids, terms of trade, actual production costs, marketing plans/ strategies, company plans to expand or reduce production capacity, competition, dividing markets or competitively sensitive information with respect to any product or service.
2. Avoid agreements, resolution or other actions, formal or informal, written or unwritten, that:
 - (a) are related to commercial prices or fees
 - (b) restrict non deceptive advertising
 - (c) constitute a boycott / collective refusal to deal
 - (d) could be construed as representing a division or allocation of markets among competitors.
 - (e) tie the provision or purchase of one good or service to the provision or purchase of another good or service.
 - (f) are likely to have the effect of raising prices or fees or reducing the quantity or quality of goods or services that are available.
3. If there is any suggestion of conduct or discussions which could amount to anti competitive conduct, a warning must be given to cease the conduct or discussions immediately. If the warning is not heeded, the activity, discussion or meeting will be terminated immediately. If an attempt to terminate the discussion is unsuccessful, the meeting will be terminated.

David Birrell

Chief Executive Officer

