

Purpose of Guide

The Australian Sustainable Finance Institute Limited (**ASFI**) brings together participants from across the financial sector. Some are competitors, or potential competitors for the purposes of the *Competition and Consumer Act 2010* (Cth) (**CCA**). The CCA prohibits competitors from engaging in certain practices. This Guideline has been developed to raise awareness for ASFI Members (**Members**) and to ensure compliance with competition law.

Outline



Golden Rules for Communications

Key Message

The CCA prohibits competitors from reaching an understanding to:

- Fix prices (including discounts, rebates or credits) for products or services supplied or acquired in competition with each other.
- Share markets or rig bids (e.g. by territory or deciding who will sell to which customers, or who will sell what products).
- Collectively boycott suppliers or customers (e.g. by not dealing with particular suppliers or customers, or dealing with them only under certain terms or conditions).
- Enter into anti-competitive agreements that have the purpose, effect or likely effect of substantially lessening competition in a market.

The CCA also prohibits businesses from engaging in certain 'concerted practices', such as information exchange, which reduce the uncertainty of competition and can therefore be said to have the purpose or effect of substantially lessening competition.

Information Sharing Principles

The following rules apply to all interactions between Members, Directors and senior executives of ASFI:

- Only share or exchange information and engage in discussions to the extent that is reasonably necessary for the execution of board or company functions.
- Be mindful of email chains and consider the content before forwarding.
- Do not share Competitively Sensitive Information, which is non-public information that impacts a party's competitive position.
- Document all meetings, including by taking minutes with accurate records of attendees.
- Meeting and communications procedures should, if possible, be reviewed specifically to ensure there are no discussions creating CCA risk.

Competitively Sensitive Information

Competitively Sensitive Information includes:

- **Pricing information**, including current or future prices, pricing policies, discounting policies, interest rates, price strategies, detailed margins and current volumes.
- **Highly sensitive financial information**, including current or predicted revenues or margins and detailed cost information.
- **Strategic information**, including strategic plans, information about current or future projects (including budgets) and financial arrangements.
- **Negotiation / tender information**, including any information regarding the status of present or potential customers and suppliers and information regarding an intention to bid or not bid for specific customers.

Key points to remember

Do not discuss **competitively sensitive information**

Speak with your legal team if you are unsure about what you **can and cannot do**