

Competition and Consumer Law Guidelines for AFIF 2018

The activities of the Australian Federation of International Forwarders (AFIF) include the arrangement and hosting of an Annual National Conference of members and allied relevant service providers to the industry.

AFIF adopted and published these Competition and Consumer Law Guidelines to ensure that all such Annual National Conferences of AFIF are conducted in compliance with the applicable Australian Competition and Consumer Act (2010). The AFIF Conference is conducted in accordance with these guidelines.

Statement of Policy

The primary objectives and activities of AFIF are enshrined in the Constitution and provide an opportunity for representatives of the membership of AFIF to meet and discuss issues of common interest and to take a leadership role relevant to the international forwarding and barrier compliance industry in Australia. It is the intent of AFIF that all meetings shall be conducted in full compliance with relevant Competition and Consumer legislation. Separate guidelines have been produced and adopted by the Board of AFIF in relation to AFIF Board, Sub-Committee or General Meetings.

Procedural Guidelines

AFIF Annual Conferences shall be conducted pursuant to the following procedures in order to ensure compliance:

1. Conference business sessions shall be conducted in accordance with a previously publicized and promoted Conference Program. Delegates who wish to attend may wish to seek independent advice with legal counsel familiar with the competition and consumer laws of Australia to ensure that the session content, as announced, is in compliance with applicable laws.
2. Informal meetings and discussions amongst Conference attendees, including during breaks and scheduled or non-scheduled social activities connected with the Conference must also follow these Guidelines.

Prohibited Agreements and Activities

It is with the understanding of all persons that these Guidelines are incorporated into the Conference Program of the AFIF Annual Conference and applicable henceforth.

1. Agreements, arrangements or discussion in relation to the following, whether express or implied, are STRICTLY PROHIBITED:

- a. Arrangements between members as to prices, discounts, rebates, or any other aspect of pricing of services members may provide in competition with one another;
- b. Where members are potential competitors, any arrangements between members about:
 - i. who members will supply their services to;
 - ii. where or what services members will supply; or
 - iii. the terms on which each member will supply their services
- c. Any agreement between competitors that is intended or likely to harm non-participants in agreement, such as by excluding a non-participant from any market; and
- d. Any agreement that is intended or likely to lessen competition in a market overall.

Note: You do not need to reach a formal agreement to breach anti-trust laws – informal arrangements or understandings in relation to matters described above are also prohibited.

2. The existence of unlawful collusive arrangements or practices may often be inferred by regulators from circumstances, including the exchanged information by competitors. Accordingly, discussion or disclosures of the following types of information are also PROHIBITED, except when such information has been made public or appropriate legal counsel advises that such discussions are legally permissible:

- a. Freight charges or surcharges;
- b. Individual costs;
- c. An individual Forwarder's intention to increase, reduce or reallocate capacity;
- d. Information on individual customers; and
- e. Any other competitively sensitive commercial or proprietary information.