



COMPETITION AND CONSUMER LAW COMPLIANCE POLICY

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COMPETITION AND CONSUMER LAW COMPLIANCE POLICY

Purpose

This document sets out HILT CRC Limited (**HILT CRC**) requirements in relation to Competition and Consumer Law Compliance.

Scope

This Policy applies to HILT CRC's employees, officers, agents, professional advisors or contractors (**Personnel**).

This Policy also relates to HILT CRC's Members and Partners.

Definitions

In this Policy the following definitions are used:

CPA means the Core Partners Agreement of 4 November 2021 between HILT CRC and each of the Core Partners in relation to the CRC.

CRC means the research collaboration known as 'HILT CRC' as established by HILT CRC Limited and the Partners,

Partner includes 'Core Partners' and 'Key Partners', 'Affiliate Partners' and 'Associate Partners'.

Policy Statement

HILT CRC is committed to ensuring that both HILT CRC itself, its Personnel, and the Partners comply with all aspects of the *Competition and Consumer Act 2010* (Cth) (the **Act**), which includes the relevant consumer protection and unfair business practice provisions of Act that are contained in part of the Act known as the Australian Consumer Law (**ACL**) and all other related laws.

HILT CRC brings Partners together to achieve mutually beneficial technical outcomes and must avoid any perceived or actual concerted practice.

Partners

Pursuant to CPA clause 6.1(j), Partners are required to comply with all laws applicable to the performance their activities and to "refrain from and to take reasonable steps to ensure that its Personnel do not engage in anti-competitive conduct contrary to the Law."

Accordingly, Partners in the CRC are generally required to comply with the Act and are each responsible for ensuring that they do not engage in anti-competitive conduct or other unfair business practices.

Partners are generally responsible for making their own assessment of compliance with the Act, including developing internal policies and procedures to the extent reasonably necessary to comply with this Policy and the Participant Agreement to which they are a party.

HILT CRC will reasonably assist with requests from the Partners in relation to compliance with the above.

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CRCs & Pro-Competitive Collaborations

It is important to recognise that HILT CRC has been established to facilitate collaboration between the Partners in an appropriate manner.

The Commonwealth Government Department of Industry, Science, Energy and Resources has expressly awarded funding to HILT CRC to pursue the following pro-competitive objectives:¹

“Cooperative Research Centres (CRC) Grants provide funding for medium to long-term, industry-led research collaborations.

CRCs must:

- be a medium to long-term industry-led collaborative research program
- aim to solve industry identified problems and improve the competitiveness, productivity and sustainability of Australian industries
- include an industry-focused education and training program, including a PhD program that builds capability and capacity
- increase research and development (R&D) capacity in small to medium enterprises (SMEs)
- encourage industry take up of research.”

Procedures

It is the responsibility of every person to whom this Policy applies to ensure that they do not personally engage in or allow or ignore any behaviour by others that may contravene the provisions of the Act.

The HILT CRC will:

- Remind its Personnel and Partners of the contents of this Policy on an annual basis.
- Request Partners to abide by this Policy at key meetings.
- Ask Partners to never discuss, exchange or reach any agreement on competitively sensitive information at meetings, events, or surrounding these events.
- Ask Partners to discourage and distance themselves from such conversations.
- Refer suspected concerted practices to the CEO.
- Maintain formal agendas for meetings, circulated to Partners in advance.
- Ensure the CEO reviews agendas in advance that do not exclusively relate to technical issues. The CEO shall consult HILT CRC’s legal counsel as appropriate and seek counsel’s attendance if required to ensure compliance with applicable laws.
- Seek advance legal review of materials to be disseminated or discussed at meetings that relate to potentially competitively sensitive information.
- Take accurate minutes of key meetings, which shall be reviewed prior to circulation.
- Stop discussions if a meeting participant is concerned or uncertain whether issues discussed or raised by a fellow member might result in competition law issues and record that fact in the minutes.
- Seek legal advice where any doubt exists about the appropriateness of specific discussions or activities.

¹ <https://business.gov.au/Grants-and-Programs/Cooperative-Research-Centres-CRC-Grants>



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HILT CRC will seek to reasonably support Partners in their compliance with the Act and will endeavor to ensure that it does not support any discussions, arrangements or other understandings that could contravene the Act or other domestic or international competition law.

HILT CRC will reasonably respond to requests from Partners and implement appropriate procedures to assist in the compliance with these requirements.

The Policy will be reviewed annually and updated as required.

Document Control

| Version | Date | Author | Approved | Review Date |
|---------|----------------|---------|----------|--------------|
| 1 | 6 October 2023 | COO/CEO | Board | October 2024 |
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