



Competition Law Reforms

What's it all about?

There have been recent amendments to the Competition and Consumer Act to introduce a prohibition on 'concerted practices'.

What is a 'concerted practice'?

A 'concerted practice' essentially involves forms of cooperation between competitors which act as a substitute for the uncertainty of competition.

What's the point?

A lower threshold applies to concerted practices than existing cartel laws as they can involve a competitor acting independently in response to a communication of commercially sensitive information or other cooperative behaviour.

What does it look like?

A concerted practice could involve a primary producer stating at an industry meeting that they intend to reduce their output in the hope that other producers will follow.

Risks can also arise if the commercially sensitive information is communicated through a third party such as an industry body.

What should you do?

The purpose of this fact sheet is to notify Australian Eggs' stakeholders of the changes.

Compliance risks will be driven by circumstances so the safe option is to generally avoid the disclosure of commercially sensitive information and if circumstances arise where it is necessary or unavoidable, consider the impact of the new competition laws in advance.

If you have any questions about the new concerted practices prohibition you may wish to read the guideline published by the Australian Competition and Consumer Commission which is on their website (<https://www.accc.gov.au/publications/interim-guidelines-on-concerted-practices>) or contact your lawyer.

