

ANTI-COMPETITIVE PRACTICES

Part IV of the Act prohibits behaviour which is deemed “anti-competitive”. Things which could be relevant to La Trobe University include:

- Agreeing to share markets or control prices
- Exclusive dealing, which involves one party imposing restrictions on the other’s freedom to choose with whom, or what, it deals.
- Misusing market power by doing things like preventing a new competitor from entering the market

It is easier than you might expect to engage in these sorts of anti-competitive practices. If you discuss a tender with a colleague at another University which is also submitting a tender – you could be guilty of price-fixing or market sharing (even if you did not intend to do anything wrong). If you discuss rationalising undergraduate courses, even if the aim is to provide better outcomes for students, you could be guilty of market sharing. Price fixing and market sharing are forms of cartel conduct and can attract criminal penalties, including jail terms of up to 10 years for persons involved in this conduct.

An example of exclusive dealing would arise if the University told students they had to buy equipment from a particular supplier. Or if the students got a discount on their course fees if they bought books from a particular supplier.

For more information on this topic you should read the University’s *Trade Practices Compliance Guide* which is available at <http://www.latrobe.edu.au/legalservices/tradepactices/index.html>

For further advice please contact Legal Services on Extn: 2495.